

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
October 6, 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. Sadler, Mr. Geiger, Mr. Shelton, Ms. Evans and Mr. Laxton. Solicitor Hess was also in attendance. Engineer Grosse, Chief Jordan and Mr. Wissinger were absent.

Mr. Laxton made a motion, seconded by Mr. Sadler to approve the September 8, 2014 Regular Council Meeting Minutes. Mr. Sadler, Mr. Laxton and Mr. Geiger approved, however Ms. Evans and Mr. Shelton abstained. Motion did not pass due to lack of majority. These will be approved at the November Regular Meeting.

Administrative Reports:

A. Mayor's Report – Mayor Hammond reported that he had performed a marriage ceremony for Amber Smith, daughter of Troy Smith. He said she was marrying a local service man that was being deployed for a year. As for the Village, Mayor Hammond said everything was running smooth. He said applicants being sought out for the vacant position in our police department.

B. Village Engineer's Report – No report

C. Village Solicitor's Report – Solicitor Hess said we have received documentation from RITA regarding our residents with past due balances and the actions they can take for us. He said he is looking for some guidance from Council as to what they would like to do. Solicitor Hess said there is a statute of limitation of three years. Solicitor Hess said we won't be able to collect money from these people unless we do something in a timely fashion. He said the first option is to authorize RITA to file a civil action against the tax payer for us. They would file with small claims in Circleville Municipal Court. We would then potentially get a judgment against the individual which would then allow collection through garnishment, bank attachments or other means of collections. He said this does come at a cost. He said the accounts that were provided to us are ones that RITA has already reached out to and have defaulted on their payment plan. He said if we go the litigation route, there would be court costs that are usually attached to the judgment. He said there are also prejudgment legal service fees for a representative from RITA to attend the court hearing. Solicitor Hess said there is a hearing that is held and the nonpayer would get notice of the hearing. He said this person gets to appear and can challenge the claim. He said a representative from RITA would be there to represent the Village. He said he has attended these types of cases in Circleville and the individual usually doesn't appear and the city received a judgment. He said if you are lucky enough to get a judgment that is half the battle. Collection is the other half. He said RITA would hire an outside source for the collection of the money. He said there is an additional cost for this service. Solicitor Hess summarized and said there would be initial cost for the filing of the case, additional costs for the RITA staff person attending the hearing, and additional costs if we were to receive a judgment for the outside source to collect the judgment money. Solicitor Hess said he can contact RITA to find out what these costs would be. Option two is to turn the collection over to the Village and we attempt to collect the money by filing a case through either Solicitor Hess or someone else that we would hire to go after the individuals through legal process. We would do the collections ourselves. Option three is to do nothing and continue on as we have been doing. He said RITA would continue to send out the bills with the balance due until the statute of limitation has been met. Solicitor Hess said he would like to know how Council would like for him to proceed. He said the court costs are set by the court and are \$ 90.00 in Circleville to file in small claims court. He said he will contact RITA for their costs. Ms. Evans asked how much money was outstanding. Fiscal Officer Hastings said approximately \$ 22,000 - \$ 23,000. Solicitor Hess said he doesn't feel this is all the money that is due. He said these are people that have not responded previously to RITA or have defaulted on their payment plans. Mr. Geiger asked if we knew how much time we had until the three year limit ran out. Solicitor Hess said the list appears to have the earliest date of March 2012 and some in 2013. He said it seems to be a 50/50 split. Mr. Sadler asked if we knew who the individuals were. Solicitor Hess said that was correct and only he and Fiscal Officer Hastings had access to the list. Mr. Sadler would like to see some pricing. Mr. Laxton asked if Solicitor Hess would be the one we would use for option 2. Solicitor Hess said yes. Mr. Laxton said he doesn't want to go with option 3. Solicitor Hess said the hardest part of this entire process is collecting the money. He said most of the time the people who have already defaulted on an agreement to pay their bill, don't show up at the hearing and a default judgment is granted. He feels 90% of the cases are going to be filing the claim, waiting for the hearing, RITA showing up at the hearing and getting a judgment. He said then the difficult part is

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getting the money collected because people aren't working or their government money they are getting can't be garnished. He said he didn't know if a bankruptcy could be filed on taxes owed. Mr. Shelton confirmed that the earliest date on the list was March 2012 which means we have six months to act on this. Solicitor Hess said small claims usually works pretty quickly. Solicitor Hess said he will have more information for Council at the COW meeting. Mr. Geiger asked if the individual has a judgment against them, does the statute of limitation still take effect. Solicitor Hess said it would go to the "judgment" statute of limitation which is typically seven years. Ms. Evans asked if we would have to file a claim against everyone on the list or if we could just do the higher dollar ones. Solicitor Hess said that would be a discussion to be held with RITA. He said they didn't give us a pick and choose option. He said his guess would be that they are going to do all or none.

Solicitor Hess updated Council on the closing of the alleys in the Village. He said there needs to be some engineering done on this project and legislation put together. He said he doesn't have anything for tonight, however wants to have this done before the end of the year. Mr. Shelton asked if we still have to hold a public hearing on this. Solicitor Hess feels we should hold a public hearing, however it is not necessary based on his research. He said notices to the adjacent homeowners will have to be sent out and feels we need to give them an open meeting allowing them to speak if they wish.

Solicitor Hess said he and Mayor Hammond participated in the golf outing that was held by the Commercial Point Men's Club. He said it was a very well put together and a great community event.

D. Police Department Report – Mayor Hammond said he is hopeful that this report is available by the COW.

E. Village Administrator – No report

F. Fiscal Officer Report – Fiscal Officer Hastings gave the following report: Balances as of September 30, 2014 are as follows: General Fund - \$ 974,522.13; Street Construction Maintenance and Repair – \$ 195,977.13; State Highway - \$ 15,073.60; Parks and Rec - \$ 2,908.57; Permissive Motor Vehicle – \$ 7,484.46; Housing Development - \$ 13,356.74; Water Operating - \$ 1,966,481.03; Sewer Operating - \$ 1,816,021.78; Garbage Operating - \$ 19,361.09.

Legislative 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 – Nothing to report
- 7.

At this time, Mayor Hammond opened the floor for citizen's comments. Ms. Becky Blevins of 34 Main Street said at the last meeting Mayor Hammond indicated that two ditches were going to be cleaned. She said Engineer Grosse did call her and ask what they were anticipating being cleaned in the ditch by her home. She said he had spoken with her husband and had made several recommendations and was going to be getting estimates. She said some of the recommendations were to put tile in. She mentioned someone had access to concrete tile and the option of using black tile was given as well. Ms. Blevins said she had sent a text message to Engineer Grosse asking him what size tile. She hasn't heard back from him yet. Ms. Blevins said she was wondering if Council had heard anything back from Engineer Grosse on pricing. Ms. Evans said Engineer Grosse had talked about this at the last COW meeting. Mayor Hammond said he spoke with Engineer Grosse about two weeks ago regarding the ditches. He said Engineer Grosse had indicated that he had spoken with the Blevins'. Ms. Blevins said they did speak and Engineer Grosse was to speak with Mayor Hammond on some concrete and Mr. Blevins was going to be checking on the availability of the large black drainage pipe. Mayor Hammond said Engineer Grosse never indicated to him that this ditch work was going to be done. Ms. Blevins said Engineer Grosse was to get three estimates and present them to Council. She said Engineer Grosse asked her, if Council would consider this project to be done, would they be willing to pay a portion of the job. Mayor Hammond said that was news to him. Ms. Blevins said she knew Engineer Grosse would not be here tonight, but wanted to know if he followed through with what he said he was going to do. She wanted to know if he submitted anything to Council. She said nothing has been done. Mayor Hammond said it wasn't that nothing hasn't been done, however nothing has been communicated. She thanked Mayor Hammond and agreed with him that nothing had been communicated. Ms. Blevins asked what Mayor Hammond recommended for the next step. Mayor Hammond recommended to keep the communication between Engineer Grosse and the Blevins'. Ms. Blevins said if Engineer Grosse isn't going to bring anything back to Council, what she should do. She said this has been going on for a year and a half. Mayor Hammond said he will speak with Engineer Grosse when he returns and ask him what is going to be done about the ditch. He said he will ask Engineer Grosse to communicate with who he needs

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to be communicating with. Ms. Blevins said he should be communicating with Council. Ms. Blevins said Engineer Grosse seems to say a lot of things on the phone but doesn't carry anything through. She said she would like to see someone with authority nudge Engineer Grosse to carry through with this whether they agree with what he suggests or not. She would like to see some action moving forward instead of blowing smoke. Mr. Sadler asked if this would be part of the surrendering of the alley project. Solicitor Hess said it would be two different projects. Ms. Blevins said when discussion first started on the ditch, she had suggested cleaning it out however Engineer Grosse said that would make it harder for the neighbors to mow the area. She said she was most concerned about the stagnant water which brings mosquitos and health hazards. She said during one of her first conversations with Engineer Grosse, he mentioned that Mayor Hammond knew someone who had access to concrete tile. Mayor Hammond said that was a very long time ago and the contractor had enough to do about 1/3 of this project. He said the cost for this type of tile is enormous. Ms. Blevins said she thought this tile was free. Mayor Hammond said the tile to do 1/3 of the project would be free, however we would have to pay for the remaining sections that are needed. Ms. Blevins said she was working on getting the tile that was needed but was waiting on the size and amount needed. She said she is not going to pursue it on her end if no one was going to pursue it on the Village's end. Ms. Blevins said she is concerned that Engineer Grosse hasn't said anything to Council in the last 3 ½ weeks and this entire issue has been going on for the last year and a half. She said she keeps hearing excuses except for at the last meeting, Mayor Hammond said there were two ditches in the Village that were due to be cleaned out and hers was one of them. Mayor Hammond said that he said there were two ditches in the Village but he wasn't sure where they were. He knew that Engineer Grosse and Mr. Sark were working on getting prices together. Ms. Blevins said Engineer Grosse told her husband that he would be getting three separate quotes. Ms. Blevins said she would just like for Council to follow up on this issue. Mr. Shelton said he would send an email to Engineer Grosse asking him to get with Council and communicate what has been discussed with the Blevins.

At this time, Mr. Steve Kaiser asked Council for an update on where they stand with the Police Department and the assistance coming from the Ohio Police Association mediator for communications issues between our Police Chief and Mayor. He wanted to know if a meeting had been scheduled and any progress that has been made. Mr. Laxton said he knew the meeting had not been scheduled yet due to medical issues Chief Jordan was having. He continued to say that the communication between Chief Jordan and Mayor Hammond seems to be going better. Mr. Kaiser said some people he has talked to including some of our other officers had reported that things are better. He said we have been dealing with a shortness of officers and problems in our police department for many months. He said in any college, the definition of a business includes a budget, expenditures, income and employees. He said this Village has all of those items and runs and operates as a business. He said if any business would operate the way this Village has been operating, it would be bankrupt. He said a lot of problems in this Village take too long. He said they don't get handled. They don't get addressed. The ball gets dropped. Things get swept underneath the rug. Pass things on to the next month and nothing gets handled. He said there was a comment, that someone woke up the lion when it came to getting rid of the police department. He agreed and said the lion has awoken and he is not going to drop the issue with the police department. Mr. Kaiser handed Council a public records request. He said as Councilmembers, under the Ohio Sunshine law, they have the power to have the Mayor fill this request since he is the one who started the issues with the police department. He said he does not want it pawned off on the clerk. He feels once the request is filled, it will show that the Sheriff owes the Village money. He feels the Sheriff did not fulfill the contract they were under by not serving the man-hours they were to serve. He said he has heard that others feel the same way and that it was brought up at last month's meeting when he was out of town. He said the documents will prove it. He feels the Village should have already asked for these documents and have already figured this out. He said if the Village doesn't already have these documents that he has requested, he is doing the Village's job. He said he will go through them and figure it out. Mr. Kaiser asked that the Council stands up and makes the Mayor do his job and get the documents that he is requesting.

Legislation:

Resolution 17-2014 A RESOLUTION TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF COMMERCIAL POINT, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015 Mayor Hammond read this resolution, title only for the first reading.

Mayor Hammond asked Mr. Shelton if he had any comments on the gate at the school since Village Administrator Shelton was absent. Mr. Shelton feels Engineer Grosse will be the best person to answer any questions on this matter. Mr. Shelton said he will include this in his email that he will be sending to Engineer Grosse.

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At this time, there was some discussion on Trick or Treat. It is scheduled for October 31, 2014 from 6:00 – 8:00 p.m. Mayor Hammond said he and/or Village Administrator Shelton have the authority to change the date and time due to severe weather per a resolution that was passed last year. He said Council still sets the initial date and time for Trick or Treat.

At this time, Ms. Evans confirmed who and what hours are being worked in the police department. She said Chief Jordan is working 30 hours, Officer Kelly is working 30 hours, Officer Greathouse is hired and still in training for up to 30 hours a week and the vacant 30 hour position. Mayor Hammond said that was correct. Ms. Evans asked if we were still using the Sheriff Deputies. Mayor Hammond said not at this moment. He said we did use the Sheriff Deputies for two or three weekends after their contract. He said the Sheriff is in the process of calculating the hours worked compared to the contract. Mayor Hammond said he made a phone call to the Sheriff explaining that we were short officers for three weekends. Sheriff Radcliff sent a few of his deputies to help cover the Village during this time at a special duty rate of \$ 26.00/hour. Solicitor Hess said they are still finalizing the invoice and Sheriff Radcliff had told him that there were some hours per the contract that hadn't been used and that is why he was able to fill in those three weekends when we were short officers. Mayor Hammond said we would not be billed for any hours that we did not have coverage. He said the first contract has been billed and paid, however we are still waiting for the second invoice. He said there is no Village money that has been spent without services rendered. Mr. Shelton recapped the officers that we have on staff and confirmed that we still have a 30 hour position available. Mr. Shelton asked Mayor Hammond if any applications have been brought to him for his review. Mayor Hammond said he has nothing on his desk however he heard from Chief Jordan that he does have an applicant that he wants the Mayor to review. Ms. Evans asked if we could get structure within the training of the new officer. Mayor Hammond said Officer Greathouse has been working with Officer Kelly and Chief Jordan so that his training can move along quickly. Mayor Hammond requested that Officer Greathouse has another officer with him for a few weeks after he becomes "street-ready" to observe and help with any questions he may have. Ms. Evans asked for an update on the Reserve Officers. Mayor Hammond said there had been no additional reserve officers added at this time. He said there were a few people that had applied for reserve officer positions. He said he had reviewed four applications. He said two were offered hourly positions and two of them he wouldn't consider for reserve positions due to their history. Ms. Evans confirmed that we have Officer Jackson and Officer Joiner. Mayor Hammond said he wasn't sure of the status of Officer Joiner. Mr. Sadler said knowing Mr. Joiner as his neighbor he knew that Mr. Joiner had been dismissed from our department. Mr. Sadler said Mr. Joiner received a letter saying his services were no longer required for the Village. Ms. Evans asked if we had other applicants for the reserve positions. Mayor Hammond said he didn't know of any at this point.

Ms. Evans said Chief Jordan was interested in purchasing another police cruiser. She said she has seen the SUV out a lot and wanted to know if there was some way for them not to use this vehicle as much. She said we have three cars and maybe we should be using the other two instead. Mayor Hammond said the older vehicle, to his knowledge, has been parked and is not being used at all. He said we have two cruisers that are operational and functional that are doing the job and doing it well. Mr. Shelton said his understanding was, when we bought the 2009 Crown Vic, the Durango was going to be put out of commission. Mayor Hammond said it needs a lot of work, however it still runs and we can use it if needed.

Mr. Kaiser questioned Mayor Hammond regarding him saying he didn't know about Mr. Joiner being let go. Mr. Kaiser said it takes the Mayor to fire a reserve officer. Mayor Hammond said that was an incorrect statement. Mr. Kaiser said the Mayor runs the Police Department. He said the Police Chief does not fire the reserve officers; the Mayor has to do it. Mayor Hammond said maybe Mr. Sadler knew more than he did, however he knew that Mr. Joiner received a letter from Chief Jordan. Mayor Hammond said the last time he spoke with Chief Jordan, Chief Jordan said he was going to have a conversation with Mr. Joiner. Mayor Hammond said Mr. Joiner wanted to have a conversation with Chief Jordan. He said Chief Jordan needed to pick up Mr. Joiner's badge and anything else that belonged to the Village. Mr. Kaiser said Mayor Hammond fired two reserves that he didn't feel comfortable with and didn't tell Council. Mayor Hammond said that was not true and that what he did say was there were two applicants who wanted reserve positions, that he was not comfortable with hiring. There was some discussion back and forth between Mr. Kaiser and Mayor Hammond. Ms. Evans made a motion, seconded by Mr. Shelton to adjourn the meeting. Mayor Hammond requested to go into Executive Session to discuss the employment status of our police department. A roll call vote was taken on the motion made by Ms. Evans to adjourn the meeting. Mr. Laxton – No, Mr. Geiger – No, Mr. Sadler – No, Ms. Evans – Yes, Mr. Shelton – No. The motion died. Mr. Laxton made a motion, seconded by Mr. Sadler to enter into Executive Session to discuss the employment status of our police department. A roll call vote was taken: Mr. Laxton – Yes, Mr. Geiger – Yes, Mr. Sadler – Yes, Ms. Evans – Yes, Mr. Shelton – Yes. The motion passed and Council went into Executive Session at 7:51 p.m.

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Mr. Shelton made a motion, seconded by Mr. Laxton to come out of Executive Session. A roll call vote was taken: Mr. Laxton – Yes, Mr. Geiger – Yes, Mr. Sadler – Yes, Ms. Evans – Yes, Mr. Shelton – Yes. The motion passed.

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

Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer