

**Village of Commercial Point  
Committee of the Whole Minutes  
February 15, 2016**

Mr. Sadler called the meeting to order. Fiscal Officer Hastings took roll call with the following members present; Mr. Laxton, Mr. Geiger, Ms. Evans, Mr. Townsend, and Mr. O'Neil. Solicitor Hess, Engineer Grosse and Chief Jordan were also in attendance.

Mr. Townsend made a motion, seconded by Mr. O'Neil to approve the January 18, 2015 Committee of the Whole Minutes. All members were in favor, motion passed.

Solicitors Report: Solicitor Hess said on March 21, 2016 he hopes to have Gene Hollins, attorney with Frost Brown attend the next meeting. He said they are looking to use him for the TIFF. He said he is willing to sit down and discuss with the Council as well as he has put together an engagement letter as to what the cost will be. Once Solicitor Hess receives it he will forward it to the Council. He said the plan is to talk about what a TIFF is and answer any questions council may have about a TFF. Solicitor Hess said he feels it is imperative to move forward either with him or someone else to get the TIFF in place because as a part of the annexation for the new Chestnut Commons property anything that has been transferred to a third party, before the TIFF is in place, homeowner would not be included in that TIFF, if they build homes rapidly we could lose that money if it is not in place. He said this needs to be a priority in the next few months. Mr. Sadler said he received information second hand that Westport is already taking deposits. Solicitor Hess said they may be. Mr. Sadler asked if those homes would be exempt from the TIFF. Engineer Grosse said there are no lots there right now, nothing but raw land and should not affect TIFF. Ms. Evans asked if there was an update on the Hill Jack Property. Solicitor Hess said it is his understanding Mrs. Reynolds has filed an injunction on the property. He said Mrs. Reynolds attorney and herself have made public records request. He said Mrs. Reynolds attorney did copy him on the complaint but he has not spoken to anyone since that time. He said he believes there is a hearing this month on this issue. Ms. Evans asked as a Village are we a part of it. Solicitor Hess said no in the suit filed we are not named in it. Ms. Evans asked if that is because we choose not to. Solicitor Hess said it has been a highly contested issue. The Clemmons had filed for a lot split and rezoning that were turned down. He said there is still the issue of a disagreement with our Zoning Inspector. He said those things delayed it and it would be wise to see what happens in the litigation between Mrs. Reynolds and Hill Jack. Mr. O'Neil asked for updates in the other lawsuit. Solicitor Hess said no, he had updates and that he reached out to the attorney at the end of last week. He said documents have been forwarded that were discussed. He has not heard back. Mr. O'Neil asked if there was paperwork that should have been done that has not been or any trouble with getting information or anything solved through the current administration. Solicitor Hess said no, and asked if Mr. O'Neil has information on that. Mr. O'Neil said he wants to make sure we are doing our part and it seems there has been many months go by with no discussion. Solicitor Hess said no and that it is in the hands of the Insurance Company. We have copies of documents that have been forwarded. Mr. Sadler confirmed it is in their hands to defend or settle. Solicitor Hess said correct, as it relates to the village. He said there are people named who are no longer in the village and they would have a say as to the settlement. Mr. Sadler asked if we have a deductible. Fiscal Officer Hasting said she would need to check. Mr. O'Neil asked if there are policy limits. Solicitor Hess said there are limits but does not know as he sits there and perhaps Mr. Hammond knows. Mr. Hammond said for sure \$2

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million dollars. Mr. O'Neil said we should at least be covered except our deductible. Solicitor Hess said yes, if he was successful.

Mayors Report: Nothing to report

Engineer's Report: Engineer Grosse said weather permitting he will meet tomorrow with the property owner on the proposed wellfield site on 762. He said he wants to show them where he has the proposed wells marked. Assuming that goes well and all agree, the next step is to bring in the EPA for site inspections. He said if they are in agreement the next step is to sit down with the property owners and negotiate a price. Once the price is approved by council, drilling of the wells will start. The process should take about 2-3 months. Ms. Evans asked if we still have to do the test process. Mr. Grosse said yes but if he does it and hits water immediately the value of the land is different than it is now which is speculation. Ms. Evans understood and withdrew the question. Mr. Sadler asked how we derived where the wells are. Engineer Grosse said he has maps that he can show him after the meeting but basically there are maps that show estimates of where the ground water is. He said 500 feet from one of our proposed wells are Columbus has a well where they hit 3500 gal/minute. We are looking for a well that would produce 500-1000 gal/min. He said there are no guarantees. We went North of the plant because it was close in proximity. He said we will have about  $\frac{3}{4}$  of a mile of pipe to put in the ground to get us to the plant which adds cost. He said he will have another update at the next meeting. Mr. Geiger asked if we will have to go under the road. Engineer Grosse said yes; we will boar under the road. Mr. Sadler asked what size pipe. Engineer Grosse said if we get a well at 500-1000 gal/min he would use an 8, perhaps 12-inch pipe. Mr. Laxton asked if a 12-inch pipe would be better for future expansion. Engineer Grosse said yes for future plans, however it depends on what we get per minute. Mr. Sadler asked if we would have one well. Engineer Grosse said no there would be two wells. He said he needs the redundancy and to be able to alternate back and forth between the two. Mr. O'Neil asked he had anything put together for the utility checklist. Engineer Grosse has it drafted and will bring it to the next meeting. Mr. O'Neil said his understanding is Intellwave is working on the rest of their planning. Engineer Grosse has talked with Intellwave and they have sent him copies of their tentative plans. Mr. O'Neil said his understanding in talking to the Westport guys, Intellwave is going to jump to the new phase when its ready and are going to do the common trench. Engineer Grosse said he is not aware of that information. Mr. O'Neil said he was told that information from Westport Homes at the previous meeting. Mr. O'Neil said since we have two different Ordinances do we have to wait the full, second 30 days, before they do any work. Solicitor Hess said the second one was just for the contract for the payment of money. Fiscal Officer Hastings said they told them March 1<sup>st</sup> they can move forward. Mr. O'Neil said that is just the contract on the money, the easement agreement has gone past the 30 days and can they go ahead and do work now. Solicitor Hess said that is probably something he needs to discuss with Engineer Grosse. Engineer Grosse said the document signed at the last meeting was for the easement and dollar amount in one. Fiscal Officer Hastings said they need to wait the 30 days. Mr. O'Neil said that is where is it confusing. Solicitor Hess said the first one said at the approval of the Solicitor and Engineer. He said the contract is the "approval" and it would start 30 days from that time. Mr. O'Neil asked of Engineer Grosse wanted to discuss the plans of the sidewalks and bike paths. Mr. Sadler said sidewalks and roads. Engineer Grosse said there are two sidewalks that have come to council before. He said one is getting to Genoa Crossing and one to

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Chestnut. He said the Genoa Crossing because of the bridge, we would have to put a pedestrian bridge adjacent to it and it would cost approximately \$250,000, to do this sidewalk project. He said if we go to Chestnut it would be \$320,000, its farther and also has a bridge. We are crossing the same ditch twice, if we can tie it together the bridge will be \$40,000 a pop. He said it is up to council to pursue this. Mr. O'Neil asked the cost from Chestnut to Genoa then from Genoa across the bridge to town. Engineer Grosse does not have that number but estimates \$220,000. Mr. O'Neil asked if there is a chance of us getting a loan for that. Mr. Sadler asked loan or a grant. Mr. O'Neil said either one. Engineer Grosse said he is not aware of any grant money because Commercial Point is not low income. He said it is possible to apply for OPWC loan/grant combination. The maximum you could receive is 30-40%. Mr. O'Neil asked about Morpc. Mr. Sadler said they get money from hotel tax. Engineer Grosse said Morpc is an interesting piece and handles a lot of money. You have to be a member of Morpc which we are not. He said he has mixed feelings about Morpc. He said they handle huge amounts of ODOT money. ODOT doesn't apply to this except maybe where the sidewalk goes along the edge, but these are things down the road. Morpc would take the application in the fall and it would come the following year. Mr. O'Neil asked how much it would cost to submit it. Engineer Grosse said probably a couple thousand dollars. Mr. O'Neil thinks it would benefit us. Mr. Laxton asked where the sidewalk would go from Chestnut Estates to the Village. Engineer Grosse said in the right of way. When you get past the township building to the curb there will need to be a lot of fill. Mr. Laxton asked how close to the road. Engineer Grosse said about 10 feet off the edge. Mr. Laxton asked if it has any impact on the speed limit. Engineer Grosse said no. Mr. Laxton said living in Chestnut Estates and having small children he would not want his kids walking that close to the road because he knows how people drive on the road. He does not think we need a sidewalk from Chestnut to the Village. Mr. Geiger asked which side of the road is the proposed sidewalk. Engineer Grosse said it would be on the North East side of the road. Mr. Laxton said he sees the big picture and likes the idea but it seems like a huge safety hazard without major changes to the speed limit to caution lights, etc. Engineer Grosse said there is signage but it's not going to stop the cars. Mr. Geiger thinks Genoa would be easier because speed limits. Mr. Sadler asked how many sidewalk repairs are left from last year. Engineer Grosse said there is a connection on Main street as you get up to Brown, there is a piece missing from Congress to Brown. On Front Street there is a piece that runs from Congress at the Church up to Brown needs to be completed. Mr. Sadler asked about ramps. Engineer Grosse said they did a couple but several were not completed because they didn't have funds. He said there were 10 and they completed 2-3. He said he believes the cost is approx. \$1200-1500 each. Mr. Sadler asked if there is a timeline. Engineer Grosse said we are under no timeline. Ms. Evans asked for an estimate for the repairs mentioned. Engineer Grosse said he has not put the number together but he estimates \$25,000 plus ramps. He recommends a budget of \$50,000. Mr. O'Neil asked the chances of annexing the land on 762 and Front Street so we can lower the speed limit, especially on 762. He asked if we can declare it a residential district if we annex it and lower the speed limit to 35mph. He asked if there are enough houses to qualify as a residential district. Engineer Grosse said he has spoken to ODOT prior and did not have enough houses on that stretch of the road. He said we have filled in with new houses on the other side which is in the village. Mr. O'Neil asked if the houses on the south side qualified. Engineer Grosse said they will help but does not think they will knock it down. Mr. O'Neil asked about the annexation from the township building South to Brown Street, he knows some are in and some are out. Engineer Grosse said the Corporation line jog in and

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out in that area. Mr. O'Neil asked how much we would have to annex in order to claim and drop the speed limit. Engineer Grosse said definitely the frontage and depth wise, probably annex the whole lot from the village point of view. Mr. O'Neil said that was fine but the ultimate goal is to lower the speed limit. Engineer Grosse said in order to do it ODOT would have to annex the houses. He said if Council would like him to pursue it he will talk to ODOT again; it has been a couple of years since he discussed it. Mr. O'Neil said he is in favor of looking into it. Mr. Sadler confirmed with Mr. O'Neil that he is talking about annexing those homes into the village. Mr. Sadler said they have the right to say no thank you. Engineer Grosse will talk to ODOT prior to discussing with the owners publicly. Ms. Evans said we will discuss the budget tonight and she is not sure we are in a place to discuss a half a million-dollar project. Mr. Sadler confirmed that no one asked for that amount of money that those were just quotes. Ms. Evans feels it is a huge expense right now, Mr. Sadler agreed. Engineer Grosse said we are talking about two issues, sidewalks and the speed limit. He said we need to pursue getting the speed limit modified whether the sidewalks ever get built. He will talk to ODOT to see what parameters we need to meet to lower the speed limit. Mr. O'Neil said eventually we will need to discuss the sidewalks and can't continue to put it off each year because it is a big expense. He said Previous Mayor Hammond tried and was somewhat successful but there are a lot of people in this town that pay taxes that want to see the connecting areas. He said regardless of what each individual person wants on this board there are a lot of people in Chestnut Estates that want a path and they are entitled to a voice and a discussion even if people think it is a waste of time. Ms. Evans said she never said it was a waste of time but it has to be a feasible thing to look at and he will see when we get to the budget there is not a lot of discretionary money that they are working with to take on a large project. Mr. O'Neil said they don't want to talk about it and want to put it on the back burner. He asked when they want to have a frank discussion on the expense and if they want to do the project. Mr. Sadler said at least now we know that is a large amount of money and if it is something to pursue, something that big in a village this size, it is a couple year project. Mr. Laxton said right now we need to see what ODOT says first. He said if ODOT says no we can't lower the speed limit then he would not want a sidewalk from Chestnut to here because that would be dangerous. Mr. Sadler asked about paving streets. Engineer Grosse said if and when the conversation of sidewalks comes again this cost is based on concrete, asphalt could be cheaper. He said the streets with issues in Carmel Court, have pavement failures. He said to put catch basins in where people closed in the front ditches and tie into the drains where water can flow off the pavement would help. He said Genoa Crossing there a few places to do pavement repairs, but does not see any heavy paving. He said he drove through it and it wasn't that bad. He said on Walker Road, there needs to be drainage repairs, not paving the entire road. He said until they do something on the crown of the hill there will always be a problem on that pavement. He proposed to pick it up, put in a pipe to keep the water off the pavement, and put it back down. Mr. Geiger said we need to consider annexing the rest of Walker Road to make it easier than splitting it with the township. Engineer Grosse said it can go either way but would prefer to have it all in the village. Engineer Grosse said for the property owners, there really isn't a reason why they wouldn't want to annex it, they are already paying taxes to the middle of the road. He said if we annex it that goes away and we take over maintenance on it. He said the township shouldn't object. Mr. Sadler confirmed we would only annex the easement portion or the whole property. Engineer Grosse said the easement portion, if they want to annex the whole thing that is ok too. Mr. Sadler asked if they are on our water now. Fiscal Officer Hastings said

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they are not on both; the two new houses are on sewer only. Mr. Laxton asked to confirm which houses. Fiscal Officer Hastings said the houses on the Commercial Point side are in the village and getting water and sewage and the two houses on the left are sewer only. Mr. Laxton asked if we are talking about annexing the whole road. Engineer Grosse said just half. Mr. Laxton confirmed the left side of the road and the easement. Engineer Grosse said correct. Mr. O'Neil asked if we can offer them a water tap for the annexation. Engineer Grosse said there are certain things for annexation that as the Village spearheads the annexation there are certain things we can and cannot do, compared to if someone else brings the annexation to us. Solicitor Hess said correct and it is best if Council decides they want to discuss the annexation, they have to negotiate, and he would prefer to not tell them what we are willing to give or not give. Mr. Laxton asked the cost of the water tap. Solicitor Hess said \$4000. Engineer Grosse recommends not mixing the two, and just get the road itself. Mr. Sadler asked if Engineer Grosse had an amount for the repairs mentioned. Engineer Grosse said he does not but it would not take long to put together. He said if its needed for the budget, there is money in there now. Fiscal Officer Hastings said there is \$70,000 in there. Engineer Grosse said he would like \$100,000 to include all he mentioned. Fiscal Officer Hastings said it is budgeted in the 2011 fund. Mr. Laxton asked Engineer Grosse if Walker Road is on the verge of being dangerous with the water. Engineer Grosse said no, just continued maintenance.

Additional Items:

2016 Proposed Employee Guidelines: Fiscal Officer Hastings said the only changes made are highlighted. She said Mayor Joiner added under the discipline area, the last paragraph on page 4 of 18. She said on page 5 of 18 scratch the Maintenance Hourly Employee. Mr. Sadler asked Mayor Joiner how he plans to enforce the use of discipline in the paragraph he added. Mayor Joiner said as far as an employee getting on and voicing their opinion on Facebook as it relates to things that go on at the village. He said there is also a piece about employees on their cell phone while operating village equipment. He said there have been numerous times we have received feedback from citizens in the village regarding employees talking on cell phones while operating village vehicles. He said this is designed from a safety perspective to do away with this or give us grounds to council, train or discipline. Mr. Sadler asked Solicitor Hess if he was fine with the wording and asked if he wrote it. Solicitor Hess said no he did not write it but he is fine with the wording but council are not employees so it does not affect council expressing their opinion. He said a lot of communities are going to public comment or discipline of this nature, so he is fine with it. Mayor Joiner said another challenge for us as a leadership, if he is going to ask employees to do this, then it should be a common thing amongst all of us, Mayor, Council, any of us. Mr. Sadler asked for any council dialog. Mr. Geiger feels it hasn't been so much council as maybe spouses. Mr. Sadler confirmed adding a fulltime Police Officer. Fiscal Officer Hastings said section 11, paydays are on Wednesdays. Fiscal Officer Hastings pointed out page 15 of 18 the sentence "Employees shall not use electronic equipment in a vehicle unless the vehicle is parked. If a cell phone rings (personal or village issued) while an employee is driving." She said that has always been there we just added personal or village issued". Mr. Townsend asked if this is going to apply to Police officers. Mayor Joiner said yes. Mr. Townsend confirmed they can drive all day with their hands on the computer but not answer their phone? Mayor Joiner said that is correct. Captain Thatcher said he cannot speak for Pickaway County but numerous times in Franklin County there are situations where you have to be

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on the phone with the dispatcher while driving. He said the radios are monitored by a lot of people and they may not want that information put out there. Mr. Townsend said he would like to see it changed to exempt Police all together because he is sure, state law says they are exempt from texting on a phone or anything like that. Mayor Joiner said it gives us something to talk about because some of us who drove a cruiser prior to the cell phone age got along fine with radios. Mayor Joiner said he does not approve of texting while driving, he doesn't care who it is. He said you are distracted. He said perception is 9/10 of a person's reality. He said if he receives a phone call complaining about a patrol officer on their phone going down the street, he has an issue with that. They should be able to pull over at the side of the road and take a personal call. With that being said if they are talking to someone like Captain Thatcher said and it is strategic advantage to be talking on the cell phone then they should be able to argue that. He said if we are going to ask Village employees to do it then all Village employees should do it. Mr. O'Neil is ok with the texting part but agrees with Mr. Townsend. Mr. Townsend said we trust them enough to sit in a cruiser and drive emergency lights and sirens and read information on the computer, he does not agree with it. Mayor Joiner asked if they have driven a cruiser while operating a computer. Mr. O'Neil said yes. Mayor Joiner said he has not and has driven a cruiser a long time. Mr. Geiger said he has been on ride-a-longs where they drove and looked at the computer, he said he is not a police officer but has seen it firsthand. Mr. Townsend said he thinks the computer is an essential tool they use every day to get their job done and without exempting them from these rules we are setting them up to be written up or possibly terminated for doing their job and he does not agree with that. Captain Thatcher said in Franklin County you are typing while you are driving. Chief Jordan said it is a double edge sword; there are valid points on both sides. He feels a key word that needs added is "refrain", but should avoid it unless there is an emergency and avoid doing it as much as possible. He feels the target is personal and non-emergency calls, that needs to wait. Mr. Geiger asked if the cars are blue tooth equipped. Chief Jordan said no, usually it is rare in a police car. Mr. Sadler recommends we add wording of exception of urgent or emergency situations. Mr. O'Neil said he would drop the word emergency, should add official Police Business or should refrain from it. He asked who is going to enforce it? He wants to know if a citizen calls to complain will they automatically be written up? Fiscal Officer Hastings said this paragraph is not new and has been in the employee guidelines for several years and the only piece that is new is the personal/village issued which was requested by Mayor Joiner. She said she is not saying it is right but it's not something that was just thrown out there. Mr. O'Neil said it has now been brought up and in front of them and maybe it shouldn't have been or maybe with some exemptions. Mayor Joiner said going with what the chief said and listening to the council talk there are appropriate times to use your phone but going down the road talking on it for personal use is not appropriate. Mr. Sadler said using "refrain" or "discourage" is up for interpretation. Mr. O'Neil said that is better than prohibited. Mr. O'Neil agreed with the Chief in using the word refrain instead of prohibited. Mayor Joiner said his question for the Village Solicitor is if something like this is not inside of the village guidelines and the officer is involved in an accident and part of the deposition they pull cell phone records and there was a conversation with their home number at the same time, are we immune from any type of liability? Solicitor Hess said he thinks we are still under government immunity, there is nothing illegal about using a cell phone at this point, obviously texting has been indicated, Police Officers are exempt from that. He said it will give a talking point to the other side that the person was distracted. Chief Jordan asked if it is work related. Solicitor Hess said even if it is unrelated to

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work, if its personal phone call it is not an illegal act the officer is doing. He said he can work with the Mayor to give language that council and administration can live with. He said if Council wanted to, and the other aspects of the employee guidelines are acceptable, they can pass them and reserve for another day consideration. He said it obviously cannot be voted on tonight and if they want to vote in the next meeting he and the mayor can get together and propose some language that may be more palatable for everyone. Mr. Townsend agreed they should do that. Mr. Sadler agreed this should be done and maybe rewrite the entire paragraph. Solicitor Hess said he has looked at other villages' policies and this seems to be a growing trend to limit government employees using phones, not so much law enforcement. He said still it comes down to enforcement because you don't know if it is personal or work related. He said they will get language to them that hopefully they can all agree on.

2016 Proposed Employee Pay Schedule: Fiscal Officer Hastings advised to remove on page 2 the Maintenance Part Time position. There was discussion on the Employees Wage Payment Schedule and added positions. The final numbers will be discussed and approved at the next meeting. Fiscal Officer Hastings advised the effective date for these is TBD, she is asking them to approve them on March 7<sup>th</sup> at the regular meeting so she can make it effective on that day. She said this is the beginning of a pay period so that will help. Mr. Sadler confirmed the only change on the Administrative Assistant position is just the hours. Fiscal Officer Hastings said yes. Fiscal Officer Hastings said there is one other item that is not employee related. She said Mayor Joiner would like to bump the Reserve Officer pay from \$50 for 16 hours/month and he would like to increase it to \$125 per month. She said it is in the budget but she has nothing in writing where it says this is approved. She said they are not considered employees; she does not pay OPERS or take their taxes. She is not sure it would go in the guidelines or just need a motion at the next meeting that is approved to pay the amount. Solicitor Hess would not include it in the Employee Pay Schedule because they are not employees. Fiscal Officer Hastings said she just needs a motion from council and would feel better to have something in writing approved by council. Ms. Evans asked for the reason for the increase. Fiscal Officer said we have paid \$50 for at least six to seven years. Mayor Joiner said we do not have many reserves and that will allow us to give them a base. He said you have to look at reserves at two different standpoints. There are reserves who do not do anything but ride along with a patrolman he has no issue paying them \$50, but you have a reserve and you are asking them to be a patrolman and asking them to do the same as an Officer, they deserve more. He said to pay appropriately you have to document their time. Mr. Geiger asked if anyone has looked into a time clock. Mayor Joiner said we have not, normally when the police officer marks on in the morning that is their timeclock. He said as far as other employees he is not opposed to that but it is something we could look at. He said they started to bring up the Zoning Inspector, that is something council needs to look at. He said we are paying the Zoning Inspector, confirmed by Fiscal Officer Hastings, \$200 per month. Mayor Joiner said he is getting paid whether he shows up or not and as far as his downtime he feels the Zoning Inspector should attend the meetings as a part of his job and we should not have to pay extra for him to be here. Mr. Sadler confirmed Reserves will work a min of 16 hours per month. Fiscal Officer Hastings said yes. Mr. Laxton asked if the Chief can keep up with their time. Mayor Joiner said the Captain will. Captain Thatcher said he has no idea how it will be run; he is a freebie and won't be putting in 40 hours a week, but nothing has been laid out for him. He said he needs feedback from the Chief and the Mayor.

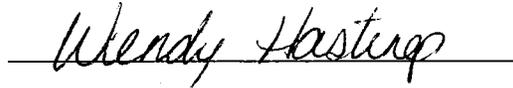
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2016 Proposed Budget: At this time, a very lengthy discussion was held on the proposed budget. A vote will be taken at the March 7, 2016 Regular Council Meeting.

Mr. Laxton motioned to adjourned, Mr. Geiger seconded. All in favor. Meeting adjourned.



David Sadler, President of Council



Wendy Hastings, Fiscal Officer

\*Minutes provided by Paula Baldwin, Administrative Assistant