

**Village of Commercial Point
Council Meeting Minutes
May 7, 2018**

Mayor Joiner called the meeting to order, followed by the Pledge of Allegiance. Fiscal Officer Hastings took roll call with the following members present: Mr. Townsend, Ms. Wolfe, Mr. Moore, Mr. Grassel, Mr. O'Neil, and Mr. Thompson. Village Administrator Crego and Solicitor Hess were in attendance. Engineer Grosse was not present.

Mr. O'Neil made a motion, seconded by Mr. Townsend to approve the April 16th, 2018 Council Meeting minutes. All in favor, motion approved.

Administrative Reports:

- A. Mayor-Nothing to report.
- B. Village Engineer –Not present
- C. Village Solicitor- Solicitor Hess said we have a couple of resolutions on for tonight, one is set for a second reading to Proclaim September 2018 Prostate Cancer Awareness month. He said we also have a continued tabled item dealing with monies for the purchase of a potential police cruiser. He said if we are going to address that we will need a motion and a second to remove it from the table and address it as we normally do. He said the village has many things going on. He said he believes there may be some discussion about employee issues. He said if they are brought up he would address those and discuss at the appropriate time. He said he has had an opportunity to speak to the police chief and he is requesting to amend the agenda to add an Executive Session based on a personnel issues and a discipline matter within the Police Department. Mayor Joiner said it is his understanding they have found an ordinance for the Jake brake issue. Solicitor Hess said yes one was located that addresses issues that previous council have been concerned about. He said it is his understanding in speaking with administration, signs will be ordered to inform the public that we do have an ordinance.
- D. Police Department- Chief Jordan covered the report for the month of April. He confirmed he is requesting Executive Session regarding personnel issues. He said there has been quite a few thefts in the village and surrounding areas. He wanted to remind people to secure their valuables and make sure your garage doors are closed. He also reminded people to locked their cars and not to keep any valuable items in them. Chief Jordan said he would like to acknowledge Sergeant Murphy. He said on April 20th he responded to a call of a man threatening suicide. Upon arrival Sergeant Murphy located the individual in a field at the intersection of State Route 762 and Welch Road. He said during this time he verbally engaged with the man who was armed with a knife. He said during this time Sergeant Murphy was assisted by a passer by who was an off duty officer in Franklin Township in Franklin County, which is Officer Norm Baldwin. He said Officer Baldwin provided cover with a taser device while Sergeant Murphy continued negotiating with the man to drop the knife. He said thru these actions Officer Baldwin deployed the taser device and Sergeant Murphy went hands on took him into custody. He was then transferred to medical facility for care and evaluation. He said Sergeant Murphy and Officer Baldwin's actions helped prevented a situation which could have prevented a man's death at the man's own hands. Chief Jordan said he will place this in Sergeant Murphy's file and send communication to Franklin County.
- E. Village Administrator- VA Crego distributed copies of the Jake Brake ordinance. He said there is a tree on the corner of Front Street that will be removed hopefully this week because it is dying. He said the paving of Genoa and West Scioto Green is underway. He said they started this morning and will be working everyday this week to be finished before May 17th walk scheduled by the school. He said regarding other street issues, two years ago they had planned street improvements to Foxfire this year. He said they have the bid package, however, they had to spend \$40,000 repairing major issues on

**Village of Commercial Point
Council Meeting Minutes
May 7, 2018**

West Scioto Street. He said he has been in communication with someone at Foxfire and advised plans have been put on hold due to funding and the person was not happy. He said \$229,000 was the cost of improvements to Foxfire and we have \$168,000 available after. He said there are places in Foxfire that need repair. He said it is strictly Councils decision to transfer additional money or something else. He said he is not the decision maker. He said over 3100 cars pass on W Scioto Street vs 100 cars on Foxfire. He said request for qualifications for Engineers to design a new water plant that they foresee going online in 2020. He said the reason we went for RFQ is because we have lost confidence in the company we have been dealing with for years. He said we have had some negotiating situations that have not turned out in our favor. He said we have 5 applicants. He said we will review in the next couple weeks and will narrow them down. He said there are a few sidewalks that are broken up that need repairs. He said there are issues with the way they were put in. He said he has estimates coming in. He also has an estimate coming in from the Safety Committee recommendation of the extension of sidewalk of West Scioto Green. Mr. Moore asked if we have approximate cost to just do the repairs in Foxfire. VA Crego said no because that will not satisfy the person he is speaking with. Mayor Joiner asked in regards to the structure of the road, if there is anything that makes it unsafe to travel. VA Crego said there are emerging holes, but minimal.

F. Zoning Inspector's- Nothing to report

G. Fiscal Officers- Fiscal Officer Hastings thanked Administrative Assistant Baldwin for getting Shred Day set up. She said it was a success, we had 45 cars come through. She read the Fund Status report as of 4/30/2018: General \$1,868,223.07, Street Construction Maint. & Repair \$261,929.60, State Highway \$35,881.31, Parks and Recreation \$3,033.57, Permissive Motor Vehicle License Tax \$7,675.09, Enforcement and Education \$1,957.00, Ohio Peace Off Education and Training \$4,380.00, Housing Developments \$106,445.38, Water Operating \$2,336,314.76, Sewer Operating \$2,755,553.77 Garbage Operating \$29,148.05. All Funds total \$7,410,541.58.

Legislative Reports:

1. Ben Townsend- Nothing to report
2. Scott O'Neil- Mr. O'Neil said he has seen on Facebook that the school is trying new ideas for traffic. He said its moving in the right direction. He said he read over the engine brake ordinance and the way it reads he thinks we need to repeal this ordinance and if we want a new one have it drafted correctly. He said section 1 is not when an exhaust brake is used. Fiscal Officer Hastings told him to read the next sentence. Mr. O'Neil still disagrees that is when the exhaust brake is used. VA Crego said yes it is. Solicitor Hess said he would like to review this with the Chief and possible conversation with a magistrate on how it is written and then move forward with either bringing forward a repealed, corrected or if satisfactory upon review.
3. Jason Thompson- Nothing to report
4. Laura Wolfe-Nothing to report
5. Bruce Moore-Nothing to report
6. Aaron Grassel-Nothing to report

Citizen Comments:

1. Jim Albright addressed council. He discussed the Ohio Flags of Honor and said he had a hard time getting Gino to come back to Commercial Point. He said there is no participation from the people that help him and no participation from any government people. He said he agreed with him. He said this year he is supposed to have better participation. He would

**Village of Commercial Point
Council Meeting Minutes
May 7, 2018**

like to propose the Ohio Flags of Honor. Dough Boyz is having their poker run and he would like to put together a car show in the center of town. He said all of this is honoring the veterans. He said He can't put any flyer out until he has approval from council. He said MASH Pantry has volunteered to do a hog roast and baked beans. He said the Honor Flights of Columbus would like to put up a tent to possibly sign up veterans for the DC flight. He said what he would like to ask council to approve him blocking off the center of town from 12:00-6:30pm. He said the Ohio Flags of Honor would be in the park and the car show would be in the center parking lot. Mr. Grassel said he supports this. He said he may have a parking problem with one person. Mr. Albright said he would like to know asap when the decision is made so he can get the flyers and information out.

2. Deb Breech addressed council regarding the Police Cruiser. She said she has a concern because she feels the \$40,000 can be spent on something more important. She said especially since we have all the shifts covered and have no reason for a 4th police car if we have no one to man it. She said her other concern is some of the things she has observed herself. She said she can show them a picture of an officer texting when out and about when he should be patrolling, they are going back in Genoa Crossing and hiding for hours, so she is wondering why we need a 4th car if some of the people we have are not leading by example. She said they are breaking the laws. She said she has witnessed them roll through the stop signs, speed from the Hawk to the other end of town, but never seem to be patrolling when others are doing the same. She said her question is, if they are not leading by example, are we addressing these things? She asked if we need to have proof of these things? Should they be rolling through a stop sign? Mayor Joiner said no. Ms. Breech said she does not endorse it with our residents but when our police officers do that, why should the residents do that. She addressed Chief Jordan and said if he is in a position of leadership, then he needs to lead by example. Mayor Joiner asked Chief Jordan where we are with the GPS system. Chief Jordan said they do have an item out that hooks to the car that gives location and speed of the vehicle. He said it can send him alerts. He said Fiscal Officer Hastings indicated another company we have offered another product similar to this they are looking to see if it is more efficient. He said he is also looking at maybe partnering with the Sheriffs department also. Mayor Joiner said we have kicked around for some time. He asked if we have a completion date. He asked Fiscal Officer Hastings if the company she is aware of has the product out. Fiscal Officer Hastings said it is out but she put everything on hold because he said he wanted to talk to the Sheriffs department. Mayor Joiner asked if this is something the Safety Committee would be willing to take on to help Chief Jordan. Mr. O'Neil said yes. Chief Jordan said if we contact our insurance carrier they may offer a discount. Mr. Grassel asked Chief Jordan if he has received any complaints regarding officers speeding or violating these codes. Chief Jordan said he has not received any formal complaints. Jackie Breech spoke up and said she sent him a note last fall about an officer that does not stop at stop signs. She said she still has that Facebook message to him. Chief Jordan said he does recall her being upset about an officer not stopping at a stop sign but he does not have a formal written complaint. Susan Breech asked him if he would have checked into it based on the message. Jackie Breech said the officer actually laughed at her when she told him she was going to report him.
3. Joe Hammond addressed council. He said he sees the cruiser was back on the agenda and he feels it would not be prudent because we purchased a cruiser not long ago. He said he likes and respects the mayor but he found it very disturbing when he returned and he heard about the issues we have in our department. He said he feels after two year in the program things have gotten worse instead of better. He said we are paying more and not getting more hours on the street. He said he thinks Chief Jordan is a fine man, but we spent \$25,000 to find out things we already knew. He said he presumes everyone has read the investigating report and has found it as disturbing as he does. He said very discouraging,

**Village of Commercial Point
Council Meeting Minutes
May 7, 2018**

language that is not tolerated anywhere. Mayor Joiner said he is referring everything to Solicitor Hess. Solicitor Hess said there is an outside report prepared by outside council. He said it began many months ago at his direction. He said there was concern by the administration for some of the things going on in our police department and there became concern by our police department against members of the administration. Solicitor Hess said he took it upon himself to retain council out of Cincinnati to conduct an investigation and give us a report as to what they saw and found and maybe give us a recommendations for him and for this council to move forward. He said the police department has been an ongoing discussion of good and bad in this community. He said this council and administration has put the police department as a high priority. He said we are having growing pains. He said with it comes administrative and discipline issues we are dealing with. He said actions have been taken and discipline has been issued. He said the main concern in the report the Chief needs to do a better job of leading and discipline the officers. He said the report was embarrassing. He said we understand that and we are moving forward. He said as it related to some of the allegations to the administrations, there was a report made to the Ohio Civil Rights regarding an interaction between law enforcement and administration. He said he did receive word last week that investigation is closed and there will be no action taken as far as the civil rights association is concerned. He said there is not going to be a recommendation from him or outside council that anyone be fired. He said they are hoping this is a learning experience and they will move forward with good trained officers. Susan Breech asked since we are growing and our police department are growing, are we going to do complete background check on the officers before they are hired. Solicitor Hess said they receive a background check, mental health evaluation and a lie detector test before they are hired and the Chief does an investigation to follow up with prior departments and training. Mr. Hammond said he appreciates the information and the plan of action. He said from an economic standpoint, there are things that need done that have not been done. He said there is a \$61,000 shortfall in Foxfire. He said he thinks the cruiser should go on hold and fix either Foxfire or the other streets that need it.

4. Nancy Geiger addressed council. She said she appreciates everything Solicitor Hess said. She hopes council keeps what everyone has said in consideration with the cruiser. She asked for updates on the crosswalks. VA Crego said he has not done anything on that yet. Mr. O'Neil said he has a bid back on the crosswalk signs that maybe they can discuss at the next Safety Committee.
5. Becky Blevins addressed council. She said most of her questions have been answered. She said she believes we do not need another cruiser. She said she believes we have old infrastructure in the village that needs it more and should have the money for those emergencies. She said she questions the need for a big expensive SUV when a sedan is more economical to operate. She thanked them for the Jake Brake information.
6. Ralph Wolfe addressed council. He said he has not read the investigation but said all he keeps hearing is the Mayor could be in trouble. He said they mentioned the engineer with the paving. He said the engineers office tried to hose the township so they got bids and got Roese brother for about 40% of what the Engineers office gave them. Mayor Joiner said the Mayor is not in trouble.

Business Items:

- A. RITA Subpoena Program- Fiscal Officer Hastings said every couple of years RITA comes to us and offers the subpoena program, usually for the non-filers or for those who file but neglect to pay their taxes. She said they send subpoenas out to their listing of residents they have. It cost the village \$8/subpoena. She said they usually pick a day in October, send out letters and have residents come to this office. She said we set them up in the conference room. She said we end up getting the money. She said she has

**Village of Commercial Point
Council Meeting Minutes
May 7, 2018**

the letter that we authorize them to do it. If council agrees to it she needs a motion and a second. Mr. O'Neil motioned, second by Mr. Grassel to approve the subpoena program. Roll call: Mr. O'Neil-Yes, Mr. Grassel-Yes, Mr. Townsend-Yes, Ms. Wolfe-Yes, Mr. Thompson-Yes, Mr. Moore-Yes. All in favor, motion approved.

Legislation

For Second Reading:

Resolution 12-2018 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO PROCLAIM SEPTEMBER 2018 "PROSTATE CANCER AWARENESS MONTH"

Tabled Items:

Resolution 07-2018 A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE MONEY RESERVED FOR POLICE CRUISER ACCOUNT 1000-110-393. Mr. O'Neil motioned to remove from tabled, seconded by Mr. Thompson. Roll Call: Mr. Townsend-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Moore-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in Favor, motion approved. Mr. Thompson said the Safety Committee met again and looked at the facts of the cruiser. He said the facts are we have aging equipment and some is not good for being in the street. He said they are not for adding a bunch of cars, they are looking to replace a car. He said a good rotation program is to replace every two years. He said the Safety Committee looked at it long and hard and looked at everyone's concerns. He said he does suggest to administration to replace a car. Mayor Joiner asked how many miles are on the crown vic. Mr. Thompson said 135,000 miles. Mayor Joiner asked what year. Mr. Thompson said 2009. He said we spent \$3400 in repairs and book value is probably \$2500. Mayor Joiner asked Fiscal Officer Hastings about last year when we entered into contract to get the new SUV we did a lease buy back program. He said instead of \$40,000 upfront it was \$10,000 initial and then \$9,000 each year. Fiscal Officer Hastings said she looked at it wrong. She said it is a little over \$10,000 each year and the final payment is a penny. Mayor Joiner said we could do the same thing with the new cruiser. Chief Jordan said when we say lease it pretty much financing. He said it's an ongoing program. He said he has not contacted them to see what the interest rate is. Mr. Moore asked what administrations plan for the two cruisers, salvage or sell them. Chief Jordan said his car has less than 60,000 miles but is it is a village car, he said the black and white one we bought used with 90,000 miles and then the 2012 Impala which we have had issues with then the 2017 explorer. He said they will evaluate and see which vehicle to take out of commission. Chief Jordan said Ford just announce they will only manufacture two cars. Mr. Albright said Byers Chevrolet wants to get into this area and the General Manager of the dealership lives in this area. He said it may benefit someone to go in and talk to him and they make a deal with us. Mr. Thompson said when the village buys a car, the state sets a price, there is not negotiation. A resident

**Village of Commercial Point
Council Meeting Minutes
May 7, 2018**

asked how many miles officers average a day. Mr. Thompson said these cars you have to rely on, he said the police department has to have good equipment. Chief Jordan said average about 50 miles in the village if you don't count the idle time. The resident said when we don't have money to fix the roads, then we shouldn't buy a car. Mayor Joiner said its not that we don't have money to fix the roads, its how money is budgeted at the beginning. The resident said he has lived here 40 years and he drives by every night and only one cruiser is out while the others are here. He said we have one brand new cruiser and one with 60,000 miles. Mr. Thompson said the 60,000 miles isn't police ready. The resident asked why we bought it? Mr. Thompson said he wasn't on council then. Ms. Wolfe said her concern is we have more behind the scene issues that need to be worked on. She said she herself has seen things like officers at the ice cream shop the other night for 30 minutes. Mr. O'Neil motioned to approve, seconded by Mr. Grassel. Roll Call: Mr. Townsend-No, Mr. Thompson-Yes, Ms. Wolfe-No, Mr. Moore-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. Motion passed.

Additional Items:

Mr. O'Neil asked before we amend the agenda he would like to discuss the Ohio Flags of Honor. He asked solicitor Hess if we can approve the block party permit and using of our lot by a simple motion. Mayor Joiner said the block party permit is his to approve. Solicitor Hess said correct. Solicitor Hess said they would have to address all adjoining properties and if anyone objects it is denied. Mr. O'Neil said he thinks they should just do it through council now. Solicitor Hess said that is an administrative decision. He said council can show their support. Mr. Thompson asked how we do this for Go Carts. Mr. O'Neil said Go Carts is way more involved. Mr. O'Neil asked Solicitor Hess if he does not think council should make a motion and approve use of this for Flags of Honor. Solicitor Hess said they will need to talk to administration to see if there is requirement for a block party permit, which is an administrative function. Mr. O'Neil said if we take the block party permit out of it, then we can make a motion and authorize the event. Solicitor Hess said correct. Mr. O'Neil made a motion to approve to authorize Mr. Albright's plan for the Ohio Flag's of Honor including parking restrictions as needed, blocking the roadways as needed and if needed the used of electricity for cooking. Solicitor Hess said that is subject to the administrations role in this process. Mayor Joiner said he feels he is overstepping his boundaries. Mr. O'Neil said he feels it is subject to the solicitors opinion not the mayor. Solicitor Hess said he has to look at the authority of the mayor is and whether a block party is required because that is clearly in his province. Mr. Thompson asked what kind of timeframe he needs to do this. Solicitor Hess said two days. Mayor Joiner said a block party request normally comes to him and he signs off on it. Mr. O'Neil said he has a motion on the floor. Solicitor Hess said they can pass their legislation subject to his conversation to the mayor as to his role. He said they have completed their portion. He said they can go ahead with this motion and vote as they want but he will make it with a caveat with a subject to his discussion with the mayor as to what his role in this process is. Mr. Thompson said at his direction he will second. Roll call: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in favor, motion passed. Mr. O'Neil made a motion to modify the agenda to change Executive Session to #10 and move adjournment to #11, seconded by Mr. Moore. Roll Call: Mr.

Village of Commercial Point
Council Meeting Minutes
May 7, 2018

Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in favor, motion passed. Mr. O'Neil motioned to move into Executive Session at 8:22pm, seconded by Mr. Moore. Roll Call: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in favor, motion passed.

Mr. O'Neil motioned to return from Executive Session at 8:32pm, seconded by Mr. Grassel. Roll Call: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in favor, motion passed.

Mr. O'Neil motioned to adjourn, seconded by Mr. Thompson. All in favor. Meeting adjourned.



Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

*Minutes provided by Paula Baldwin, Administrative Assistant