

VILLAGE OF COMMERCIAL POINT  
COMMITTEE OF THE WHOLE MINUTES

March 17, 2014

Mr. Shelton called the meeting to order. Fiscal Officer Hastings took roll call with the following members present: Ms. Evans, Mr. Shelton, Mr. Sadler, Mr. Laxton and Mr. Geiger. Mayor Hammond and Solicitor Hess were also present. Engineer Grosse and Mr. Wissinger were absent.

Mr. Sadler made a motion seconded by Mr. Laxton to approve the February 10, 2014 COW Minutes. Mr. Shelton said there was discussion at the February COW meeting regarding the Ordinance pertaining to snow emergencies. He said Ms. Hastings was able to find the ordinance and showed it to him. As of the April 7, 2014 Regular Council Meeting, all Council members will have a copy of the Codified Ordinances for the Village of Commercial Point. All members were in favor. The motion passed.

Solicitor Hess had no report at this time.

Mayor Hammond had no report at this time.

Engineer Grosse was absent so no report at this time. Village Administrator Shelton advised Council that the potholes had been patched.

Mr. Shelton said that he had asked Solicitor Hess to give a presentation for the new members of Council.

At this time, Solicitor Hess touched on a few items including:

- Newly elected officials conference put on by the Ohio Municipal League was approaching.
- Solicitor Hess invited all Council members to call him at any time for any questions or concerns they may have.
- Legislation can come from different areas including, citizens suggestions, Council and the Mayor. As a Council member, Solicitor Hess can help put legislation together to be presented to the rest of Council. He said that routine ordinances and resolutions are prepared in house by Wendy.
- The Village is a statutory entity that is governed by the Ohio Revised Code – 700 Series. He said this is available online for free.
- The Attorney General's office forms opinions on certain things. He said Solicitors use these "opinions" to do their research for certain issues. He continued to say that case law is also used.
- Ohio Municipal League will give out a handbook in the training class. Solicitor Hess said this is a very useful tool.
- State of Ohio Auditor's office has a Village handbook available with important information.
- "Home Rule" gives Villages the ability to self-govern.
- "Charter Village" can write their own laws. Dublin, Obetz, Arlington are examples of Charter Villages. This has to be voted on by the citizens of the Village.

Solicitor Hess continued and explained what Ordinances and Resolutions are used for and what differences they have. He said they can be interchangeable however, Ordinances are more permanent. The layout looks the same for both. They can only discuss one topic and have to be signed "as to form"

by our Solicitor. Both have to be read by title only for a total of three times. First time is to present the topic. Second time is to discuss the topic and the third time is for a vote. The vote has to be by a majority of the entire Council. If a topic comes up with the Village Administrator position, Mr. Shelton would have to excuse himself from the table and then the majority would be based on five members making up the entire Council. Solicitor Hess said a quorum is needed to hold a meeting. A quorum is equal to 4 members present. If a Council member has an "interest" in a contract or business, they can't be involved in the discussion or vote.

Solicitor Hess said an ordinance or resolution can have the three readings waived if Council so chooses. It has to be a motion, second and then vote on the waiving of the three readings. If three readings are held on an ordinance or resolution without emergency language being included, the ordinance or resolution goes into effect within 30 days from the date the Mayor signs off. If emergency language is included, the ordinance or resolution becomes effective immediately to preserve the immediate health & welfare of the community. If a citizen wants to do a referendum, it has to be done within 30 days of the passing of the legislation. If emergency language is included, no referendum can be done.

Solicitor Hess informed Council that as a public body, everything we do is a public record. Anyone can request documents. It doesn't just have to be a citizen of the Village. Contracts, legislation and emails are all public records. Using a private email address does not mean it is not a public record. If your email pertains to village business, it is a public record. Personnel files do not qualify as public records. Statutes are oriented to everything being a public record. If we are going to deny a request, we need to let the person know why it is being denied.

The Sunshine Law is in effect for Villages. It states we are a public entity and our deliberations, discussions and conducting of business should be done in the public eye. Mr. Shelton asked about carpooling with other members of Council to the training. Is that OK? Solicitor Hess said it would be fine as long as no discussion or decisions were made during this trip to Columbus. Sunshine Law does not keep you from doing things with other Council members, golfing, dinner etc. What it does keep you from doing is discussing Village business outside of a Council meeting.

Final topic was Executive Session. Solicitor Hess said there are set perimeters of when you can go into session. There has to be a vote by Council to enter into Executive Session that states the reason or statutory rule of why going into session. Contracts, land acquisition, employee issues, potential litigation, and a few other reasons are what is needed to go into executive session. Discussion is had during session, however no decisions or deliberations are aloud during executive session. There is a vote to come out of executive session once Council returns to the table. Solicitor Hess said there is one question that is up for debate and that is whether you can talk about what was discussed during executive session. Solicitor Hess's opinion is everyone sitting on the Council is individually elected and have a right to speak. There is a reason that executive session is needed, you are an elected official however it may not be the best thing for the community if you speak about it. Solicitor Hess feels it is not appropriate to lose your seat or get reprimanded if you do speak about what was discussed in session. It is an individual decision that could affect an administration decisions for the community. There is nothing that Solicitor Hess knows of that a Council member can be reprimanded for talking about what was discussed during executive session. Mr. Shelton said for most reasons of going into executive session, they are for sensitive topics. Solicitor Hess said they are solely used for sensitive topics of discussion.

Mr. Laxton asked if someone requesting a public record had to give their reason as to why they wanted to documents. Solicitor Hess said no reason. It could be done by verbal request, send an email, written request. They don't even have to put their name on the request. Can be done anonymously. Mr. Sadler asked if all requests go through Wendy. Yes and then she will forward onto Mike Hess for his approval before she gives any records out. Ms. Hastings said that she is able to talk with the requestor if they are making a very large request to find out if there is something in particular that they are looking for to help cut down on the amount of documents. Ms. Hastings said that she is not allowed to ask why they want it.

Mr. Shelton reminded Council of the training class that is going on Saturday, March 22, 2014 from 9:00 a.m. – 3:00 p.m. All Council is attending with the exception of Ms. Evans who has a prior commitment.

Mr. Shelton thanked Solicitor Hess for his time and all of the information he provided to Council.

At this time, Mr. Shelton asked if there was any additional business that needed to be discussed. Mr. Geiger reported the sidewalk out in front of the Municipal Building was flaking. Mayor Hammond said the sidewalk was put in when the building was built. He said the sidewalk is flaking from the salt that was used this winter on the roads. He said it is happening all over.

Mr. Laxton asked if we have any information on who is responsible for clearing of the sidewalks/walkways. Is it the residents and businesses or the Village's responsibility? Mr. Laxton is talking about the businesses and the walkpath mainly. Mr. Shelton said it is the businesses responsibility to clear the sidewalks in front of their place. Parking lots might be different. Mr. Shelton questioned the walkpath. Since we don't have a roads/sidewalk department, is it up to the Utility employees to clear that path? Mr. Sadler asked if there is a law that says it has to be done. Ms. Hastings said she would have to check. Mr. Sadler said unless there is an ordinance that says you have to keep the cleared, he doesn't know how we could enforce it to be done.

Mr. Geiger asked if we were still moving forward with placing posts along Main Street in front of the bank to keep people from parking there or driving on the new sidewalk. Mayor Hammond said the project was abandoned due to contractor defaulting. We are waiting for it to thaw and will continue with the project. It is on the to-do list.

Mr. Laxton asked how he goes about getting speed signs place in Chestnut Estates. Is this something that he needs to research on his own and bring back to Council. He is looking for something that tells the drivers what the speed limit is and what speed they are traveling. Village Administrator Shelton did research on the cost of these signs a few months back and it was going to cost us \$ 3,500 per sign. These do not offer tickets or have cameras. They are portable and can be moved. They run for two weeks at a time before they have to be recharged. Administrator Shelton said speed bumps were also discussed. Mr. Laxton said he would get firm pricing however didn't know if this would fit into this year's budget or if it would have to wait until next year. Mr. Shelton said a review of the budget would have to be done. Ms. Hastings said there was some funds in the Traffic Signs area and suggested to Mr. Laxton to find out if there was better pricing on these signs. Ms. Evans reported there was only one speeding citation given in the month of February on the Police report. Mr. Shelton took the weather into consideration for the number of citations written in February. Mr. Laxton said he was seeing a lot of speeding through Chestnut Estates. Mr. Laxton said it is getting warmer and the kids are going to be outside playing. Ms. Evans feels a sign isn't going to do any good and some type of consequence has to

be given. Mr. Laxton said there are some signs that will give the radar data once connected to a computer. Administrator Shelton said the sign that costs \$ 3,500 does do reporting, however doesn't give individual information. Mr. Sadler feels having more police in the area enforcing the speed limits is the way to go. Mr. Geiger said to give less warnings and write more citations. Mr. Laxton feels maybe installing another stop sign might help. Other members of Council thought that was a great idea. He also feels the speed limit sign is too close to the entrance of Chestnut. Ms. Evans said since Chief Jordan is now in charge of signs for the Village, speak to him regarding these concerns. Chief Jordan can then bring the suggestions to Mayor Hammond and Village Administrator Shelton for a final decision. Mayor Hammond said anything to keep our community safe as long as it is a productive service, is good.

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

---

Randy Shelton, President of Council

---

Wendy Hastings, Fiscal Officer