

VILLAGE OF COMMERCIAL POINT  
COMMITTEE OF THE WHOLE MINUTES

October 20, 2014

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

Mr. Sadler made a motion seconded by Mr. Wissinger to approve the August 18, 2014 COW Minutes. All members were in favor. The motion passed.

Mr. Geiger made a motion seconded by Mr. Wissinger to approve the September 22, 2014 COW Minutes. All members were in favor with the exception of Mr. Shelton and Ms. Evans who abstained. The motion passed.

Solicitor Hess said we have received a letter from RITA asking how we would like to handle the delinquent tax payers. He said there are three options. The first one is allowing RITA to file civil litigation on behalf of the Village to collect these delinquent dollars. The second option is for the Village to use our own solicitor to file civil litigation to collect these delinquent dollars. The third option is to do nothing and continue with what is happening at the present time. Solicitor Hess said most RITA actions are under \$3,000.00 which would place it under small claims division of Municipal Court. He said under this type of court, RITA does not have to send an attorney however they would send a paralegal from their Westerville office at a rate of \$ 35.00 per hour. Solicitor Hess said RITA also represents Circleville and other government entities so the cost per hour could be prorated if they are in court representing these other entities on the same court date. He said any cases that are over the \$ 3,000.00 jurisdiction of small claims would then need to go to the General Division of Municipal Court and an attorney would be needed. Solicitor Hess said he spoke with the legal division of RITA and they said they have a very good relationship with the Court and it is not unusual for the Court to allow out of town attorneys to appear by phone. He said we wouldn't have the cost of travel and would only be billed for the amount of time they are on the phone. Solicitor Hess said most of the time, people don't show up and the cases are done by a default judgment against them. If they do show up, they usually ask for a payment plan. He said RITA said their collection ratio with Circleville has been very good. He said any cases that RITA cannot collect on, they will send out to an outside litigation collection agency who will charge 18% of whatever they collect. Solicitor Hess said he went a spoke to Circleville to see what their experience has been with this portion of the RITA services. He said Circleville spoke very highly of the service and have been involved with it since 2008. He said they have been very satisfied with RITA's representation and had nothing but good things to say about it. Solicitor Hess feels it would be hard to find a cheaper alternative than having RITA do the work. He said it appears to be a worth-while venture if that is the direction Council wants to go. Mr. Wissinger asked how much we have outstanding. Solicitor Hess said approximately \$ 23,000.00- \$25,000.00. He said the people on the list consisted of people who have not responded to any attempts to be reached by RITA or who have defaulted on their payment plans. Mr. Sadler asked if we do get a judgment, who is responsible of collecting the funds.

Solicitor Hess said RITA has standard was to collect the funds, however if it would need to go to the outside entity for collection, that is where we would pay the 18% of whatever was collected. Mr. Wissinger asked when the Attorney General's office would get involved in the collection. Solicitor Hess said he was unaware of the Attorney General getting involved with our collection of municipal taxes. Ms. Evans asked what Council needs to vote on. She asked if we need to pass legislation to enter into an agreement with RITA. Solicitor Hess said we are already entered into an agreement with RITA to collect our taxes, however Council needs to decide what option they would like to move forward with collection of these unpaid taxes.

Mr. Shelton said Mayor Hammond was out of town and would be returning late tomorrow evening. No Mayor's report for tonight.

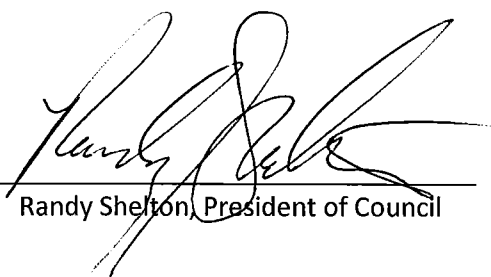
Mr. Shelton said he had spoken with Engineer Grosse. He said he was back from vacation. Mr. Shelton informed Council that Engineer Grosse will not be able to attend any future COW meetings that are held on the third Monday of the month. He said the company that Engineer Grosse works for is holding monthly management meetings on the third Monday of every month and Engineer Grosse needs to attend to those meetings. Mr. Shelton said if Council wants Engineer Grosse to be able to attend the COW meetings, they will have to look at other options moving forward. Mr. Shelton said he spoke with Engineer Grosse regarding the property on Main Street that is owned by the Blevins. Mr. Shelton read an email he had received from Engineer Grosse and it said, "I have been working with Ryan Sark to get an estimate to enclose the drainage way beside the Belvin's property. I will have his written estimate for the November Council meeting. My estimate is \$ 10,000 - \$ 15,000. The existing drainage way is working without any flooding issues that I am aware of. I have informed the property owner that if they want to improve the drainage way the Village was ok provided that the improvements were approved by the Village. And any approved improvement would have to be maintained by the property owners. Once Council decides how they want to proceed I will prepare documents as directed." Mr. Shelton said further discussion will be had at the next Regular Council meeting. Mr. Shelton said another issue that he discussed with Engineer Grosse was the movement of the gate at the entrance to the middle school. He said Engineer Grosse presented to Council a total cost of \$ 700 to move the gate. He said there was at least one citizen from that area that complained more than once about the safety of the area. He said the complaint was regarding people driving around the closed gate and this person was fearful for their safety. Mr. Shelton said no decision can be made tonight, but he would like to see a decision made, one way or another, at the next Regular Council meeting. Ms. Evans asked if the drainage issue on Main Street was really not an issue as Engineer Grosse sees it. Mr. Shelton said it is functioning as it is designed to. He said Engineer Grosse can give Council his opinion at the next meeting. Ms. Evans asked what the quote of \$ 10,000 - \$15,000 was for if it is working as it was designed to do. Mr. Shelton said for beautification reasons, to put tile in the ditch and close it in.

At this time, Mr. Sadler asked Fiscal Officer Hastings if we received Mr. Steve Kaiser's letter as a public records request. Fiscal Officer Hastings said yes. Mr. Sadler asked if the response to Mr. Kaiser could be shared with Council once it is complete. Fiscal Officer Hastings said Solicitor Hess would be responding. Solicitor Hess said he would copy Council on the response.

At this time, Ms. Evans asked Chief Jordan how things were going. Chief Jordan said he had put an application on Mayor Hammond's desk of someone who was applying for the 30 hour a week position or the 16 hour a week position. Chief Jordan said he was 99.9% sure that Officer Kelly was going to be

leaving the department at the end of November. He said the new officer that we just hired was interested in moving to a 30 hour a week position while Officer Kelly was interested in the 16 hour position. Chief Jordan said if we were to hire the applicant interested in the 30 hour position and this trade-off would happen with these two officers, we would be back to full staff. Chief Jordan said he has a few more applicants that are interested in reserve positions. He said that he has already started their background checks and will be forwarding their information on to Mayor Hammond shortly. Ms. Evans asked if Officer Kelly was leaving for sure. Chief Jordan said he was leaving for sure, just wasn't sure of his start date with his new employer. Ms. Evans asked if we were using any special duty hours from the Sheriff's office right now. Chief Jordan said no. Mr. Sadler asked if Mayor Hammond knew this applicant's information was on his desk. Chief Jordan said he had spoken with Mayor Hammond before he left on vacation and told him about this applicant however Mayor Hammond has not seen the information yet. Chief Jordan said this applicant is in law enforcement now and would be able to start working our streets within a week. He said this gentleman has quite a bit of experience on the streets.

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



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Randy Shelton, President of Council



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Wendy Hastings, Fiscal Officer