

**Village of Commercial Point
Committee of the Whole Minutes
January 18, 2016**

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

Mr. Laxton made a motion, seconded by Mr. Geiger to approve the November 16, 2015 Committee of the Whole Minutes. All members were in favor, motion passed. Mr. O'Neil and Mr. Townsend abstained.

Solicitors Report: Solicitor Hess said he has a meeting scheduled this week with Westport Homes. He said at the next Council meeting he should have legislation for the council to consider for annexation and rezoning as well as the finance portion for the new potential water tower. He hoped to have resolution on these three items after the meeting. Solicitor Hess is still waiting for the legal description for the property where Intelliwave will be placing their pedestal, which is being prepared by a surveyor. He thought it would be in last week, hoping it will be completed this week so he can put the final language in the contract. Intelliwave is paying the same square footage as Frontier but it has not been formalized. Solicitor Hess informed Mayor Joiner in hopes he can join him in a meeting with Teays Valley Superintendent Mr. Halley. The meeting is to discuss where kids will go to school and will be this Wednesday at 10:00am. Solicitor Hess feels he was invited as a citizen and not the town solicitor and will not bill the village. He said if he is representing as a Solicitor for the village, he will donate his time. He said in the last meeting Mr. Sadler asked everyone to review literature that is out there as to village legislative authority, etc. Solicitor Hess would like to have a discussion as to the functional roll of the attorney, address Mr. O'Neil's question in regards to bonding and address third reading, etc. Fiscal Officer Hastings advised Solicitor Hess the Municipal League training has been scheduled and he encouraged all to attend. Mr. Sadler asked about Intelliwave and if they are accepting orders. Mr. O'Neil said they have a waiting list to join. He said once they are ready to activate service their plan is to send an email or a phone call and ask them to call Customer Service.

Mayors Report: Mayor Joiner said they purchased a 2012 Impala Police Cruiser, which was a great deal from the Village of Milan. He said it is fully furnished, with approximately \$5000 worth of accessories. He said we added a radio and it has 52,000 miles on it. The cruiser is white. Mr. Sadler asked when it would be in service. Chief Jordan said it will go in Tuesday to have the radio installed and will also have a gun lock installed. It should be in service in a month. Mayor Joiner said they are adding a stripe to the car in Teays Valley colors. Mayor Joiner said last week he, Engineer Gross and the Village Administrator met with the trustees of the landowner for property south of 762 across from the utility plant and obtained permission to look for a test well site. He said the EPA will need to come in and determine whether or not it is a flood plain. Mayor Joiner talked to Commissioners regarding Welch Road and how it needs better attention during the winter. He also spoke with Steve Smith, Street Superintendent for Pickaway County. Mr. Smith said Welch Road is the 4th busiest road in Pickaway County. He said they recognize the need for additional attention but unfortunately the service garage is south of Circleville. Mayor Joiner said he has a meeting scheduled for Wednesday morning with the Commissioners to discuss this issue further. He said we have their word that they will pay additional attention to the area. Mr. Geiger asked how much we paid for the Impala. Mayor Joiner said we paid \$8500 which Mr. Geiger agreed was a good price. Mayor Joiner said with the accessories

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the cost was about \$10,500. Fiscal Officer Hastings said it was a little more than \$10,500. Mayor Joiner said he is working with Milan which isn't much different than our village. Milan has a 3 year roll out plan. As they roll them out Chief Bob Messier has promised us first dibs on anything they roll out. Mayor Joiner asked Chief Messier how much a new interceptor would cost. Chief Messier said maybe a couple thousand more than we paid for the Impala. Mr. Laxton asked if the cars are going to be repainted. Mayor Joiner said we are not going to repaint them. He had a draft made for each car with a striping scheme. Mr. Laxton asked what fund the striping would come out. Fiscal Officer said it comes out of the General Police Fund. Mayor Joiner said D&L is doing the striping for approx. \$349/car. Mr. Sadler said he also contacted the County Commissioner Brian, regarding Welch Road. Ms. Evans stated regarding the wells everything Engineer Grosse did has come up dry, looking at other options? Mayor Joiner said in looking at the ODNR website where they were drilling it did come up dry on their first attempt. He said Columbus has a well head south of 762 on the west side of the river. He said supposedly it has the capacity to put out a 1000 gallons per min. Mr. Geiger said he thinks it is 10,000 gallons per min. Mayor Joiner contacted Robert Hess, attorney in Chillicothe who oversees this trust. He said they have a piece of land in line with our current well heads and where Columbus well heads are. It is within 200 yards of Columbus well head but it is their property. Mayor Joiner thinks we have a good opportunity to hit water. He said a nice part of this is the trust, any money made off the property is directly funded back into Teays Valley School system for graduating Senior scholarships. He said anything we put into it will roll back into our community.

Engineers Report: Mr. Sadler asked if anything was provided, Mayor Joiner said no.

Additional items: Mr. Geiger spoke with Mrs. Reynolds regarding the property on Main Street. He said this property went thru the zoning board and was found it will be kept as a residential property. He said nothing has happened yet and recommends the possibility to file an injunction. He said he is shocked that during the meeting regarding the issue, that very little was said regarding the Declaration of Restrictive Covenants. The first line is "No lot shall be used except for residential purposes." It has a map of the properties involved with this deed restriction and is clear this lot is one of them. He said part 7 states "No trucks, commercial vehicles, boats, trailers, campers, or mobile homes shall be parked or stored on any lot unless the same are in a garage or at the rear of the dwelling and out of view from the curb in front of the dwelling; provided however, that the reasonable use of such vehicles as may be necessary during construction of a home on any lot shall not be prohibited by this requirement." Mr. Geiger said it makes no sense that it went to the Zoning board because it is clear this property was sold intended for residential. Mr. Sadler asked Solicitor Hess about the Deed restriction, it is on the property, who is it between. Solicitor Hess said two things go on the property which is the zoning that was passed by the village. He argues to the council the current use of Hill Jack is in violation of that. There are disagreements by other attorneys and disagreement by our zoning inspector. Solicitor Hess said his legal opinion is it is improper. He said it is also governed by deed restrictions or deed covenants; those are between joint land owners. He said he lives in Foxfire, they have restrictions on the square footage of a home, or the fencing around the home or colors of the homes. He said there are violations of all three and it would be for him as a fellow landowner or Ms. Evans as a private landowner to bring a private suit against the offender. He agrees the deed restrictions are there but those are litigation matters between two private entities. Our issue is whether it is meeting our current zoning requirements. He

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said as he indicated in the first meeting it is his intention to meet with the Mayor and discuss these items as well as council and the Zoning and developments board, the meeting has not taken place yet as he has been pulled into other areas and has not had time to schedule it. Solicitor Hess said this is an area of disagreement amongst many in the village and council. He said it is his understanding there has been thoughts of bringing that rezoning back to this council. He said that is just a rumor and he has not seen anything that has been submitted to do so. He said this needs to be resolved and Hill Jack, the village and Mrs. Reynolds deserves a resolution and whether it is litigation, an agreement or rezoning. Solicitor Hess feels it is his duty to make those things happen so he will make it a priority to sit down with administration, sit down with whomever because there is convincing that needs done. He said there is a thought that his opinion is wrong and it could be, but he thinks his position is right. Mr. O'Neil asked if Solicitor Hess has found anything case law wise pertaining to overturning the Zoning Inspector's decision. Solicitor Hess said yes, the case law that had been presented to him contained a zoning certificate; however, this is not the case here. This is "hey am I using my property correct?" With an answer of, "Yeah I think you are, go ahead and do it." Mr. O'Neil said that is his decision; opinion. Solicitor Hess said that is his opinion. Mr. O'Neil said we place our trust into him and he made the decision even though it is not a decision on paper. Ms. Evans said that is why there are governments and not just one or two people making the decisions. She said that is why there is a group of us to make decision. Solicitor Hess said he may have an opinion as to something, he cannot run off and do what he wants. He said each person has a role and any role can be challenged. Mr. O'Neil said his understanding is the only purpose this board would have with zoning is if the inspector denied their application and they wanted an appeal, the council would hear their appeal. He said if the zoning inspector made a decision or doesn't think they are in violation; he hasn't read the case law but was told you can't change what the zoning inspector's opinion is. Solicitor Hess said he disagrees with that and would like to litigate that issue and see what a court would say. Mr. O'Neil asked if we could find another solution rather than waste money on this. He said it is going to be a big cost. Solicitor Hess said he agrees and that is why he is willing to have a conversation with the administration and legislative authority. He said as it sits now he feels a zoning violation is currently taken place and continues to take place and his job as solicitor is to fight that. If something else gets worked out amongst whomever, it is not his job to stand in the way of that. He said right now, previous council has said it is a zoning violation and denied their use of that and until he is told otherwise that is the opinion he is going forward with. Ms. Evans said a concern she has is the zoning inspector has been completely silent of the other residents in that area. She said he obviously represents everyone. He has made a decision or formed an opinion and there is no other documentation of that. Solicitor Hess said yes, there has been work done in the village right away, putting up the culvert, which was denied, and it still continues. He said there is a Port a Potty that has been there for years that is not permitted under our zoning that continues. He said these are topics that need to be discussed. Mr. O'Neil said those are separate issues from the trucks. Solicitor Hess said yes but they are zoning issues. Mr. O'Neil agrees but said they have nothing to do with the trucks. Solicitor Hess said correct. Mr. Sadler said Solicitor Hess stated that he has been backlogged and confirmed that he wants to meet with the Mayor. Solicitor Hess said yes he feels he owes it to the mayor to have this discussion with him and get an opinion from the administration on how they would like to proceed. Mr. Sadler said just so they are clear, whatever the outcome of that is, does council have any influence or power to say they disagree with the direction it is

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going? What are their options? Solicitor Hess said yes, this will be done transparent. Solicitor Hess has to decide what his roll is; does he plow forward without anyone's approval or does he take consideration from administration or council. Solicitor would like to have the conversation with the mayor first then present it to council. Ms. Evans wanted to discuss the appointment of the Village Administrator in relation to the zoning issue. Ms. Evans wanted to go on the record that she does not want there to be a conflict because of their relationship, she is concerned about that. She said Mr. Crego is great on paper, well respected in the village, has a lot of experience and she is willing to give it a shot but thinks he should abstain from conversations regarding the zoning issue. Solicitor Hess said those conversations should not include the Village Administrator. It is not an Administrators concern. If it were an Administrator that has no relation to the case, then yes. He said he is sure Village Administrator Crego would not want to be involved because it puts him in an awkward position. It should be a conversation between the administration minus the administrator, however if Village Administrator Crego is at a council meeting then he is a citizen in the audience. Mr. Geiger said Adam has brought up the corner of 762 and Welch Road before. It is a dangerous intersection especially coming from Orient. Mr. Geiger is in favor of putting up dangerous intersection road signs. Mr. Sadler said 762 is a state road. Mr. Geiger said 762 is the main road that needs the sign because they do not stop. Mr. Laxton asked if we own property beside Chestnut Estates or have an easement. Mr. Geiger said yes on Welch Road but 762 is state road. Mr. Laxton wanted to know if we have an easement on 762 at Chestnut Estates coming from the prison. He asked since they govern Chestnut Estates do they govern the land where they can just put a sign up without having to go thru the state. Mr. Sadler asked Mayor Joiner who the Pickaway Engineer was they spoke to this week. Mayor Joiner said it would fall under ODOT. Mr. Geiger said it is David Carlin. Mr. Sadler asked Mr. Geiger to call Mr. Carlin and tell him we are concerned with the intersection and ask them to re investigate the intersection and invite him to the next meeting. Mr. Geiger said he would call him and invite him to a meeting. He has invited him before but Mr. Carlin is very busy. Mayor Joiner will also discuss it with John Maynard. Chief Jordan said it is predominately the east bound traffic on 762 that is the problem. He said people pull up to the intersection on Welch Road and point their vehicle to the west to get a good view because it is a blind spot. He is not sure what signs are allowed and it would be an ODOT decision. Saturday night he was sitting at the back entrance of Chestnut Estates with the radar and most of the cars coming thru were going about 45 MPH. He said it is the people that don't know the area that are flying. He does not know what the guidelines are to look at a reduced speed limit. Mr. Geiger said he has talked extensively to Mr. Carlin over that and it is tough to reduce the speed limits. Chief Jordan has witnessed and responded to many accidents and said it is a bad intersection. Mr. O'Neil asked Chief Jordan to get ahold of the state and asked for the past 5 years' crash statistics. Chief Jordan said he can ask but there probably won't have a ton of statistics. Mr. O'Neil said he would like to see what stats they have between the state, sheriff and us. He said this way we can see the types of crash and how bad. Chief Jordan said we do control Welch Road and can reduce that speed. He said it may be getting to the point we need to look at that. Fiscal Officer Hastings asked if we own both sides of Welch Road, she does not think both sides are in the village. Chief Jordan said we own both sides at the intersection for distance because that is where the water lines are crossing. He said it doesn't go that far north. Chief Jordan said the intersection at the gas station is also very busy at certain times. Fiscal Officer Hastings is getting a price on the LED Curves sign and asked if council wants her to get a price for dangerous intersection sign. Mr. Geiger

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said they are trying to get ODOT to pay for it. Mr. Sadler would like ODOT to come in and do an assessment to see if it is time for a traffic light. Mr. Geiger said if they assess it, they may reduce the speed limit. Mr. O'Neil asked about snowplowing. He thinks when it comes to how they do it, he does not know who decides what to do, what not to do, something needs to change. He said they had trucks out that did not have blades on the front of the truck. In his court they had 3-4 inches of snow and everywhere else was plowed and salted. When they came down his street the salt lines were not wide and it melted a little, turned to slush and froze. He said he does not know if it is a training issue or if we are trying to be too cheap or they don't want to do it. Mr. Geiger said it didn't make sense why there wouldn't be a plow. Mr. Sadler asked Fiscal Officer Hastings if we call them and tell them what needs to be done. Fiscal Officer Hastings said she knows we are third on the list when it comes to the township. She said they do the township first, then Southern Point then the Village. She said the last time both truck ended up off the road, but no one was hurt. She said she does not know why the trucks would not have plows. She said Mike and Steve are both veterans at doing the job and have done this for a while. Mr. O'Neil said he could not see who was driving the truck, it was the bigger dump truck and had the bracket but no plow. Mayor Joiner called Mike Struckman after he received the call from Mr. O'Neil on that day and he was south of Circleville and had a late start. Mayor Joiner said he thinks it was a combination of a lot of bad events with the weather. Mr. O'Neil said looking at the contract 2012 it did not say anything about who is first, second or third. Mr. Townsend showed Mr. O'Neil where it did state the order. Mr. O'Neil said his biggest issue is why are we paying as much money as we do, by that time it is too late. He said the previous day we did not receive any measurable snow but the state was out dropping salt, he is not saying we need to but there are places that want the streets to be safe and plowed but that are taking steps that the township is not taking that maybe we should be. Ms. Evans said it is worth a discussion after the last storm but she said the past several years these guys have done a fantastic job for us and she is not ready to stand up at this point and toss them out because of a couple of accidents and plows in the fields. Mr. O'Neil said he is not saying anything about the accidents but the work they have done. He said he and Ms. Evans live in different towns when it comes to how the street have been plowed. He said when it comes to how well the streets have been plowed, he called Mr. Hammond last winter when it snowed. He said it has been terrible the last few years. Ms. Evans and Mr. Geiger disagreed with that. Mr. O'Neil said people can disagree but he has been in the office to talk about it, he has come and talked to Mr. Hammond about it and it's not just him. He said he skimmed Facebook and a lot of people are not happy with it. Fiscal Officer Hastings said the only one that has called in and complained about it was Mr. O'Neil. Mr. O'Neil said he does not put stock in Facebook but he knows three of his neighbors have called and complained to Mr. Hammond. Mr. Sadler told him if he thinks that is a safety issue he is on the Safety Committee he can present something to the council to say they want to hire another contractor or buy a truck, make a recommendation. Mr. O'Neil said he is sure this will not be the last time they hear about it. It is a problem. Ms. Evans said the approach is a little different from the township, she thinks Mr. Struckman was in there addressing his process and theories. She said the last storm we had, she had to go to Ashville and it was awful and icy. They plowed and everything froze. She said she prefers to leave the snow. Mr. O'Neil said he was driving the West side and drove the county roads and Columbus roads and their roads were not slick, just wet. She said it could be timing and maybe they need to get out a little earlier. Mayor Joiner went to Ashville and rode with their snowplow because he wanted to get an idea of what it cost. For their F550 diesel

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with a spreader on the back the cost was \$70,000, which is a big investment for a community of this size. Mayor Joiner said we have to use what we have and he thinks better communication will help. Mr. Geiger thinks Columbus used brine and it does a better job but is also tough on your cars. Mayor Joiner asked Steve Smith about brine and the EPA is very tough on it. They know it is effective but because of the run off its not plausible. Mr. Sadler said Mike Struckman has allowed council to ride with him in the past. Mr. Laxton said Mike Struckman has discussed with council before how he does things and what he chooses to do at specific times depending on the amount of snow coming in and the temperature and that may have a lot to do with Mr. O'Neil's situation. He said it's snowing and cold you have to be careful, he has never had an issue with Mr. Struckman although his neighbor has. He said they have not had any issues maybe it is in particular places so maybe a discussion with Mr. Struckman might help. Mayor Joiner said he feels it is important for council to know when it snows Mr. Struckman calls him and he told Mr. Struckman if he is out servicing the township roads then take care of all the roads and do not spare the salt. Mr. O'Neil asked if we have money in the budget to purchase a trash can where the new benches are. Fiscal Officer Hasting asked if he thinks it should be permanent on a concrete slab. Mr. O'Neil thinks it should be permanent. Fiscal Officer Hastings asked Mr. O'Neil to get her a price and she can figure what we have in the budget. She said we cannot look at the figures we have now because it is all new numbers. Mr. O'Neil said a lady complained to him about the trash but he did not have a chance to go look. Mr. Geiger said we probably need more than one. Ms. Evans asked what the complaint was. Mr. O'Neil said there is trash and beer bottles in the grass. Mr. Sadler said last year council received information from Josh Mandel regarding Ohio Checkbook. He suggested they go to www.ohiocheckbook.com and check it out. It lists the counties and the municipalities that have signed up and has their expenditures on the website. He said there is no cost to the village to sign up and it is a transparent view of our checkbook. Mr. Sadler asked if there was any interest in it. Mr. Townsend asked Fiscal Officer Hastings how plausible it is for her. Fiscal Officer Hasting said she sent the information out to council in June and had not received any feedback. She said she is sure it would work with her UAN system. She will look into it. Ms. Evans asked if it was expenditures. Fiscal Officer Hastings said it is our entire checkbook. Mayor Joiner said they will come out and do a demo if interested. Mr. Sadler would like to look into it if there is enough interest. Mr. Sadler said this is a follow up item for him. Mr. Sadler said the radar signs quotation was sent out to Council and asked them if there any thoughts? Mr. O'Neil said he thinks we should buy everything on his list sent. Ms. Evans said she has it and certainly will be something they will review in the budget meeting. Mr. O'Neil asked if there is money in the capital outlays or temporary budget. Mr. Evans said we do not have a budget now. Mr. O'Neil said a temporary budget. Mr. O'Neil asked if there was some kind of Police Capital fund. Fiscal Officer Hastings said not right now it has already been spent. Mr. Sadler asked if everyone has a village email. Fiscal Officer Hastings said no. She said she is using the email address that Council has given to her to use. She said the .GOV emails were being returned as undeliverable. Mr. Geiger said his .GOV works for somethings. Fiscal Officer has multiple issues when using them. Mr. Sadler said Solicitor Hess may discuss the Sunshine Law. He said this is all public information and public records. He suggested using the .Gov for everyone. Mr. Sadler thanked everyone for attending the COW meeting and said Solicitor Hess is giving the new members a Council member 101 session for the new council and refresher for the others. He said they are welcomed to stay if the like.

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Solicitor Hess said they have been council some a few years, some a few weeks and encouraged all council to accept any learning experience they can have. He said in his experience to lower the legal fees, Council and the Mayor typically agree who can present questions or initiate research that may initiate fees for the village. Typically, it is the Mayor or President of Council which gives them control over what he is doing. He has been an open book for anyone to call and ask questions and has been told to do so. He feels in the past it has generated some unnecessary legal feels because once he did the research and work, Council had no desire to continue with the issue. He said in speaking with Mayor Joiner we are starting fresh and can reshape his roll. His legal fees aren't as much as they have been but are still high for this village. In looking at what other villages spend for legal fees we are on the high end. Other villages do not call him unless there is a problem and he does not attend meetings. He prefers to attend because he can hear things and can interject or help lead. He is willing to have a discussion in his role in answering questions. He said he works very well with Fiscal Officer Hastings and would like to continue that. In regards to legislative/big picture items he would entertain a conversation about are we going to limit access to him before he does research on items that may not pertain to all council. He asked everyone's thoughts on this. Mayor Joiner said it seems unnecessary for anyone outside of him and President of Council to contact Solicitor Hess. Solicitor Hess said his understanding is with the committees bringing forth issues, as it relates to the committees should be sent to them first and then if the committee agrees, it will come to him. He said it is much more efficient to go thru the committee first. Solicitor Hess said Mr. O'Neil asked in the previous meeting about bonding. He said council does not need to be bonded because they are the legislative authority, but not village officers. He said council can direct who they think should be bonded. He said if we are limiting access, he would propose that he gives a written response to questions and then a library can be created with opinions and citations as to why he made his opinion. He would encourage those attending the Municipal League Training to pose that question to them. Solicitor Hess said one thing often confused and debated are Ordinances and Resolutions. He said Ordinances and Resolutions are the same, Ordinances are permanent and Resolutions are not. He said both have the same requirements, must have a heading, has to be one subject and subject to three readings, except moving money it does not need three readings. He said legislation that comes before council, standard not controversial, you can waive the three readings. He said because the three readings were waived it does not make it emergency. There is still a 30 day waiting period before the legislation becomes effective which allows a citizen to be able to referend the document. Solicitor Hess said if it is an emergency it must have emergency language to say there is an imminent need and there will be harm to the village if it doesn't pass now. He said the Annexation would be an emergency because the statute sets out a very narrow window of time to vote. He said sometimes things come up that need to be an emergency and once the Mayor signs it, it goes into effect that night. Emergency readings eliminate the citizens right to referendum. Solicitor Hess said Ordinances and Resolutions require a roll call. He said Fiscal Officer Hastings will ask each individual for their vote for the record. He said these usually require a yes or no vote unless you abstain. He said if there is an issue or a question that comes up about it then contact him. Mayor Joiner confirmed to contact him via the point of contact. Solicitor Hess said if it is an emergency for example on a weekend, he will waive the no contact clause. He said conflict of interest is an area where you will likely will have to recuse yourself. He said it is a small village/town and sometimes people seek positions or contracts thru here that you may have some uncomfortableness. He said the roll of council is legislative

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authority, they are congress. He said the mayor votes only votes when there is a tie. He said Council sets the tone, and the mayor has the duty to carry out the legislative agenda. Fiscal Officer Hasting, Superintendent John Thompson and Chief Jordan are under the supervision of the Mayor. Council can be critical of that and give suggestions but the day to day running of the village and supervising employees fall under the mayor. Solicitor Hess said Sunshine Law is an area that can get villages in trouble. He said no one is doing anything to hide anything or have an agenda but the email situation does concern him. He said your emails when acting in a legislative capacity are subject to public records. He said if we can't produce them or all of them, we are subject to penalties. He said if we do not have a dedicated email set up for village communications then he suggests we do that. Solicitor Hess said if you don't want to do that then you can set up designated folders, for example he has one for Commercial Point and every email is moved into that folder. Mayor Joiner asked Solicitor Hess if it would be his recommendation to use the SBCGLOABL.NET. Fiscal Officer Hastings said she has access to set up 20 email address through it. She said If council would like she will set each up with a new address. Solicitor Hess said from a village standpoint he would love for everyone to have a dedicated email address. He said it is something citizens would feel comfortable to use and also would be able to keep tighter reigns on our public records request. Mr. O'Neil said before setting up the new email address we need to figure what is wrong with our .Gov emails. Fiscal Officer Hastings said they were all set up but she has tried several times to send to council and it will come back rejected. Mr. O'Neil said he still has the number to Brandon and can call. Fiscal Officer Hastings said not to call, she will contact Brandon tomorrow. Mr. Sadler said it's a space issue with .GOV and is in strong favor of having an official Commercial Point.Gov and someone having administrative duties that when there is a record request, the administrative can go in and pull them. Fiscal Officer Hastings said she believes that is the reason the last council did not want the .GOV because they did not want someone else going in and pulling information. She said she will get into the website and see what Brandon tells her and if they can increase the size, that will be an option. Mayor Joiner said from a legal standpoint everything you put on your personal email will be subject to evidence and anything in there can be used on the stand. Solicitor Hess said he has a concern regarding public records request and things said on Facebook. He said in the last administration the former Administrator would say things on public sites and he would receive public records request. He would deny it because it has to be a record kept by the village and his rationale is this is a private Facebook page and not developed, sponsored, administered or kept by the village. He said this is an ever changing area of the law and he does not want us to be the test case. He said he does not know how to put reigns on using it and maybe it is a question that should be asked at the Municipal League training. He asked everyone to be mindful of what we place on Facebook. He said the Village is working on a Facebook page where it is limited to posting of community events, no comments. He said it will be administered by Fiscal Officer Hastings or someone in administration and only have postings, no comments. Mr. O'Neil asked how long we need to keep emails. Solicitor Hess said he will have to look at record retention. Fiscal Officer Hastings said she cannot get rid of anything. She said Debby Shelton asked last time when she set up email addresses that everyone send a copy of the email to rr@commercialpointohio.gov which was set up as a record so a permanent copy would be on file. She said that email address is not working so we like to get something set up. Administrative Assistant Paula Baldwin biggest focus is going to be record retention, possibly getting something like that set up because they are public record. Mr. O'Neil asked what our retention schedule says because they may be able to delete after a

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month. Fiscal Officer Hastings will look. Solicitor Hess said he believes it is possible 2-3 years. Mr. O'Neil said he would like to know the timeframe; he currently has a folder he sends his emails. Mr. Sadler confirmed it is email received and sent. Solicitor Hess said last issue is hanging out with other council members, and what a makes a quorum. He said they are not limited to having no social contact with each other, but they cannot conduct village business when they are together when there is 3 or more members in one place. He said you are exposing yourself to scrutiny but you are not committing a crime. Mr. O'Neil asked if we can save money by not running routine documents for public records through Solicitor Hess such as a policy book, a copy of the budget, etc. Solicitor Hess agrees if it is routine, then there is nothing wrong with giving out. If it is the first time asked for Fiscal Officer Hastings is more comfortable asking him. Fiscal Officer Hastings said she had four documents tonight to ask about and it took about 5 minutes and in the future she will not have to verify. Mr. O'Neil said if there are multiple requests that can add up. Mr. Sadler said there are a lot of common things online to pull. Mr. O'Neil said that is not bad but we can save some money by not running everything through Solicitor Hess. Solicitor Hess said they typically run everything through him that is a new request. Ms. Evans said she feels if there is a request being made he should be aware of it. She said manuals and stuff is a check list. Mayor Joiner said he feels it is a common sense items and if Fiscal Officer Hastings is not comfortable then she should ask Solicitor Hess. Mr. O'Neil thinks it is better to put out a list of what would be and stick it on a desk and if the file doesn't have that in it, then they can have it. Fiscal Officer Hastings would much rather have him answer those questions regarding her court documents or personnel file. Solicitor Hess said most of the time he reviews it when he comes into a meeting so it is already encompassed into the time he is here. He agrees, not every routine request comes to him and Fiscal Officer Hastings doesn't ask, usually it is a new request. Mr. O'Neil said he has a concern of how long it takes to get it back. He said he has some that have taken sometime. Solicitor Hess said those have typically been sensitive documents and sometimes the volume of information is a lot. Mr. O'Neil wants the timeframe to be as little as possible and if it's something that can be handed to at the time they submit the form then give it to them. Mayor Joiner said anyone who wants to attend the Municipal League Training to please let Wendy know asap.

Mr. Sadler asked for a motion to adjourn. Mr. Geiger motioned, Ms. Evans seconded. All in favor. Meeting adjourned.



David Sadler, President of Council



Wendy Hastings, Fiscal Officer