

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MNUTES
May 6, 2013**

Mayor Hammond called the meeting to order followed by the Pledge of Allegiance. Mayor Hammond then asked for a Moment of Silence to honor our Men and Women; Past and Present; for their Military Service to our Country. Fiscal Officer Hastings took roll call with the following members present: Ms. Gooden-Kinney, Ms. Evans, Mr. Shelton, Mr. Cruz and Mr. Thompson. Solicitor Hess and Engineer Grosse were also in attendance. Mr. Wissinger and Chief Jordan were absent.

Ms. Gooden-Kinney made a motion, seconded by Mr. Shelton to approve the April 8, 2013 Regular Council Meeting Minutes as amended. All members were in favor. The motion passed.

Mr. Thompson made a motion, seconded by Ms. Gooden-Kinney to approve the April 22, 2013 Special Council Meeting Minutes. All members were in favor. The motion passed.

Mr. Shelton made a motion, seconded by Ms. Gooden-Kinney to approve the April 29, 2013 Special Council Meeting Minutes. All members were in favor. The motion passed.

Administrative Reports:

A. Mayor's Report – Nothing to report

B. Village Engineer's Report – Nothing to report

C. Village Solicitor's Report – Solicitor Hess said he had questions asked of him whether or not an Ordinance or Resolution was needed to enter a contract and what constitutes the waiving of three readings. Solicitor Hess said Wendy had reached out to the State of Ohio Auditor's office regarding the need for an Ordinance or Resolution for a contract. The Auditor she spoke to said if Council is already agreeing to the lowest and best bid by way of motion, then legislation is not necessary. Solicitor Hess mentioned the previous Councils always passed a Resolution giving permission to enter into a contract. Solicitor Hess said Council already approves by a motion in the minutes to go with the lowest and best bid. His opinion is we do not necessarily need to pass legislation. He does however feel passing legislation is a good practice. It shows that Council is involved. He feels if it makes the Audit process go smoother, then we should continue to pass legislation. He said each Auditor you call is going to give you a different answer. As for the waiving of the three readings on legislation, Solicitor Hess said it requires a 2/3 vote in favor to pass. Solicitor Hess said he contacted a few other lawyers and got mixed opinions as to whether it is 2/3 of the total body of Council or 2/3 of the present members of Council. The Director of the Ohio Municipal League argues that 2/3 of the total body of Council needs to be in favor, not just 2/3 of quorum. Solicitor Hess feels from this point forward, 2/3 of the total body of Council, 5 out of 6 votes, will be needed to waive the three readings. He said there have been cases where Council members don't show up to a meeting to avoid waiving the three readings. There are rules in place to remove a member for "no show" due to wanting to prolong a decision.

Solicitor Hess informed Council that he does review all contracts and has to sign off on them. He said he is new and still learning. He said everyone one of us will leave our current position with the Village one day and questioned on different decisions we made. He said he agrees with some things the previous Council and Administration and some things he doesn't agree with. He said he will admit when he is wrong.

D. Police Department Report – Nothing to report

E. Village Administrator's Report – Nothing to report

F. Fiscal Officer's Report – Fiscal Officer Hastings gave the following report. Fund balances as of April 30, 2013 are as follows: General Fund - \$ 795,401.00; Street Construct - \$ 158,672.26; State Highway - \$ 15,937.18; Parks and Rec - \$ 3,875.00; Permissive Motor Veh - \$ 9,387.58; Housing Developments - \$ 56,410.12; Water Operating - \$ 1,302,466.16; Sewer Operating - \$ 1,066,219.54; Garbage Operating - \$ 7,927.08. Mr. Cruz asked if repairs to the streets could be paid out of the Permissive Motor Vehicle fund. Fiscal Officer Hastings will check.

Legislative Reports

A. Legislative Authority Reports

1. Vidal Cruz – Nothing to report

2. Nicole Evans – Nothing to report

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3. Kimberly Gooden-Kinney – Nothing to report
4. Jason Thompson – Nothing to report
5. Randy Shelton – Nothing to report
6. Clarence Wissinger - Absent

At this time, Marty Ditello of 300 Adrien Court, informed Council of the people cutting through his yard. He would like a fence put up along the Walker Point walk path to stop this traffic. Engineer Grosse said he is waiting for quotes. Mayor Hammond said the Village will take care of the walk path, however maintaining the grass on the other side is up to the HOA to take care of.

Mr. Scott O'Neil of 121 Yukon Dr. asked for an update on the purchase and placement of street signs. Mayor Hammond said he and Engineer Grosse, Village Administrator Shelton and Chief Jordan were going to have a meeting to discuss where the signs were needed. There were no updates at this time. Mayor Hammond said he was leaning on Chief Jordan and Engineer Grosse to figure out what is needed. Ms. Gooden-Kinney asked if "Children at Play" signs could be purchased. Mr. Thompson said there are signs being stored in the barn where the police cruisers are kept, that can be used. Ms. Gooden-Kinney asked for a deadline date to get all this information together. Mayor Hammond said he would check with Chief Jordan once he returns from his week of schooling. Mr. Cruz asked Solicitor Hess to look at the Village's FMVSS sign maintenance agreement. Mr. Cruz wants to make sure we are in compliance. He feels we need a more in depth plan. Solicitor Hess said he will take a look and get back with Council.

Mr. Brad Laxton of 162 Chestnut Estates Dr., said he saw a little increase Police presence last Friday, however saw no one out on Saturday. He said residents of Chestnut Estates are yelling at the speeding vehicles to slow down. He said speed limit signs are needed. He said the construction workers are speeding through as well. He said he does not want speed bumps place throughout the development. He is disappointed that no signs have been placed yet. He agrees with Ms. Gooden-Kinney that a timeframe needs to be set. Mr. Shelton feels signs are not the answer. He feels police protection is needed. Mr. Laxton said ignorance to the law is no excuse. He wants something done. He said warnings being issued, is a good start. Ms. Misty Laxton of 162 Chestnut Estates said something needs to be done. People are speeding out of control. Sergeant Murphy said he hasn't clocked anyone going over 31mph. Ms. Laxton told him to sit on Cherrytree Lane, out of sight. She feels he would clock several cars going 56-60mph. Ms. Laxton also commented on people fishing in the pond at Chestnut Estates. Mayor Hammond said they do the same thing in Foxfire where the pond is owned by the golf course and the residents have no control over the pond. He said the residents of Chestnut Estates need to complain to the game warden. If the pond is owned by the HOA, then they are the ones to make the complaint. Solicitor Hess said he would check with Chief Jordan to see if there is anything we can do. Mr. Jim Kuzelka of 74 Front Street said the residents own the pond. He said he spoke with ODNR and they suggested posting "No Fishing", "No Trespassing" and/or "No Swimming" signs. Mayor Hammond said we will be hiring another 30 hour a week officer as well as a 16 hour a week officer. Appropriate action can be taken if needed by the pond. Mr. Laxton said his neighbor is an Ohio State Patrol officer who said he doesn't have jurisdiction in Chestnut Estates. He would like for our officers to sit inside Chestnut Estates Subdivision instead of on Welch Road. Mr. Cruz informed Council that he did some research a few years ago along with a traffic study. He said one option was a mobile unit to track speed. Another option was the use of cameras. Mr. Shelton asked if we could use Permissive Motor Vehicle monies to purchase a \$ 3,500 mobile unit. Ms. Hastings will check. Mr. Shelton said safety and children are most important. Speed limit, Stop and Children at Play signs are needed at this time. Mayor Hammond feels issuing citations is the only way people are going to understand we mean business. Mr. Cruz said Chief Jordan needs to be asked where most of the warnings are being given, subdivisions or St. Rt. 762. Ms. Gooden-Kinney said the city of Delaware gives radar guns to residents to catch speeders. Mr. Cruz said it was more educational for the residents than to actually catch a speeder. It informed the residents that the cars really weren't going over the speed limit.

Mr. Scott O'Neil of 121 Yukon Dr. feels 4 people getting together to discuss what signs are needed is a bit much. He suggested contacting Paul Peterson Company who sells signs. Mayor Hammond said we know what we need. He feels Chief Jordan is the number one resource at this time. Mr. O'Neil is disappointed with the length of time it is taking to get signs ordered. Mr. Cruz asked Trustee Struckman what the Townships procedures were when it came to ordering signs. Trustee Struckman said every Monday morning, their employee drives the township roads and reports back if anything needs to be fixed or replaced.

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(It was decided to revisit the following two Resolutions due to needing 5 out of 6 members in favor of suspending the three readings. On April 29, 2013 when these Resolutions were voted on, there were only 4 members present. Therefore, Resolution 05-2013 and Resolution 06-2013 were voted upon tonight.)

Legislation:

Resolution 05-2013 - A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR AND/OR MAYOR TO AWARD A BID TO G&J PAVING, INC. IN THE AMOUNT OF \$ 140,520.10 FOR THE 2013 PAVING IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY. Mr. Cruz made a motion, seconded by Ms. Gooden-Kinney to suspend the three readings. A roll call vote was taken: Ms. Evans – Yes, Mr. Shelton – Yes, Mr. Cruz – Yes, Mr. Thompson – Yes, Ms. Gooden-Kinney – Yes. The motion passed. Mr. Cruz made a motion, seconded by Ms. Gooden-Kinney to adopt Resolution 05-203 and declare an emergency. A roll call vote was taken: Ms. Evans – Yes, Mr. Shelton – Yes, Mr. Cruz – Yes, Mr. Thompson – Yes, Ms. Gooden-Kinney – Yes. The motion passed.

Resolution 06-2013 - A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR AND/OR MAYOR TO AWARD A BID TO DL SMITH CONCRETE & DESIGN IN THE AMOUNT OF \$ 41,575.00 FOR THE 2013 SIDEWALK PROJECT AND DECLARING AN EMERGENCY. Mr. Cruz made a motion, seconded by Ms. Gooden-Kinney to suspend the three readings. A roll call vote was taken: Mr. Shelton – Yes, Ms. Evans – Yes, Mr. Thompson – Yes, Ms. Gooden-Kinney – Yes, Mr. Cruz - Yes. The motion passed. Mr. Cruz made a motion, seconded by Ms. Gooden-Kinney to adopt Resolution 06-2013 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes, Ms. Evans – Yes, Mr. Thompson – Yes, Ms. Gooden-Kinney – Yes, Mr. Cruz – Yes. The motion passed.

At this time, Mr. Cruz informed Council that he was not ready to resign as of tonight. Tentative July date.

Solicitor Hess reminded Council of the Public Hearing at the Township Building on May 15, 2013 at 7:00 p.m. Fiscal Officer Hastings informed Council, on Saturday, May 11, 2013, Shred Devil would be at Westfall High School from 10:00 a.m. – 12:00 p.m. to shred documents for residents of Pickaway County for free.

Mr. Shelton made a motion, seconded by Ms. Gooden-Kinney to adjourn the meeting. All members were in favor. The meeting adjourned.

Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer