

**VILLAGE OF COMMERCIAL POINT
SPECIAL COUNCIL MEETING MINUTES
August 17, 2015**

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

Mr. Shelton made a motion, seconded by Mr. Laxton to suspend the procedural rules. All members were in favor. The motion passed.

Legislation: Second Reading:

Ordinance 2015-07 ORDINANCE DESIGNATING THIRD STREET FOR ONE-WAY NORTH TO SOUTH TRAFFIC AND AUTHORIZING THE POSTING OF APROPRIATE SIGNAGE GIVING NOTICE TO THE PUBLIC OF SUCH ONE-WAY TRAFFIC. Mayor Hammond did a second reading. Title only. Ms. Evans asked if there had been any feedback at all on this ordinance. Mr. Geiger said he had spoken with the three neighbors that this change would affect the most and they do not want Third Street as a one-way street. He said they were more worried about the safety with a fire hydrant being blocked in by a fence and also the fact of people speeding on Harsh Alley. He said there is a lot of people traffic because of the walk path from Walker Point and the residents are worried about the speeding. Mayor Hammond said there are already two other streets that are one-way in this area. Mr. Geiger said that was correct, however Third Street only affects three residence in the Village because Harsh Alley is already a one way street. Mayor Hammond said Council made a request over a year ago to make this a one-way. He asked what Council's reasoning was then. Mr. Geiger said it was to make everything uniform but no one had talked to the residents that would be affected. Mayor Hammond asked if there is room for two cars to drive on Third Street. Mr. Geiger said there was not room for two cars, however he said there is not room on First Street either. Mayor Hammond said First Street was already a one way. He said Council had asked why this wasn't done already and Solicitor Hess said it required an ordinance. Mr. Geiger said it deserves discussion. Mayor Hammond said he didn't care one way or the other. Again, Mr. Geiger said he felt this was brought up before so that everything would be uniform, however no one talked to the residents on Harsh Alley that it would affect until he did this past weekend. Mr. Laxton said he was told by previous police officers that Third Street was always a one way street that wasn't marked. Ms. Hastings said on the original ordinance, it specifies First, Second and Harsh Streets as one-way but not Third Street. She said it listed Third Street as a road, just not as a one-way road. Solicitor Hess said we have this piece of legislation pending and if it is something that is no longer needed, he suggested waiving the three readings and voting the ordinance down if that is Council's desire. Mr. Shelton said he would like to research his notes to see who had the strong feelings about this. Mayor Hammond said it wasn't him. Solicitor Hess said we would have the third reading on September 14, 2015 which will give people time to do their own research and talk to the citizens if they choose. At this time, Mr. Sadler asked if it was OK for Mr. Kaiser to speak to Council since he has some information on this. Mr. Kaiser said Third Street has always been a two-way street. He said the only reason Harsh was moved to a one-way street was because the bank would not finance his dad's house when his sister bought it. He said they own a lot of houses on Harsh. Mr. Kaiser said this motion and the illegal hanging of the signs is not about changing a one-way street. He said this ordeal is all over the Village getting beat in court over farm machinery. He said he sat in court and listened to Solicitor Hess tell another attorney that he knew nothing about the one-way street signs being hung up and that it would not happen and he would take care of it. Mr. Kaiser said those were his exact words. Solicitor Hess said he was not denying it. Mr. Kaiser said Council just heard Solicitor Hess say he wasn't denying it and those were his exact words and then he comes back

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and writes the ordinance to change the street. Mr. Kaiser said the only reason this was done is because he was pressured from the Mayor. Mr. Kaiser said a semi has to back in and out of Third Street to load the grain from the field. He said they tried to write overload and one-way tickets last year. Mr. Kaiser asked where we have weights inside a cruiser to harass a farmer. Mr. Kaiser said Mayor Hammond was the one who instructed the police officer to harass the farmer at 2:00a.m. in the morning and write them overload tickets for overweight. Mr. Kaiser said he was standing there. He said he was called out of bed to come down because the farmer was being harassed. He said that is part of the reason he was driving the pickup truck for that farmer in that housing addition. He said he wanted them to pull him over and write him a ticket in the pickup truck. He said this is ridiculous. He said he has been intentionally coming out Third Street for the last 4 weeks, begging for the officer to write him a ticket. He said this is ridiculous and ludicrous. He said we got beat in court and are now turning around and messing up something else. He said we are going to be in another lawsuit. He said if we mess with the farmer again, we are going to be in another lawsuit. He said we are hurting the people that live on Harsh Alley all over to mess with a farmer because "he" (pointing at Mike Struckman) didn't get the land and Keavin Hill did. Mayor Hammond said Council had asked him 2 years ago to make Third Street a one way even before Mr. Hill owned the property. Mayor Hammond said it had nothing to do with Keavin Hill or any other name. He said it has nothing to do with a farmer or anybody. He said it doesn't matter to him which way it goes. He said Council asked for it to be done. Mr. Kaiser said to Mayor Hammond that he would like to see a copy of the minutes reflecting this and he won't push it off on him anymore.

First Reading:

Resolution 13-2015 A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT REGARDING LAW ENFORCEMENT SERVICES ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT WITH THE PICKAWAY COUNTY SHERIFF'S DEPARTMENT AND DECLARING AN EMERGENCY. Mayor Hammond asked Solicitor Hess to explain why this is needed. Solicitor Hess said he was asked to have our contract extended while we are addressing our own department issues. He said our current contract with the Sheriff will end August 29, 2015. He said the contract before Council tonight would start on August 30, 2015 and continue through December 31, 2015. Solicitor Hess said the contracted amount is lower than the previous contracts. He said the reason it is being presented as an emergency is because we will not meet again until after the current contract has expired. Ms. Evans made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes; Ms. Evans – Yes. The motion passed. Mr. Shelton made a motion, seconded by Mr. Geiger to adopt Resolution 13-2015 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes; Ms. Evans – Yes. The motion passed.

Resolution 14-2015 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO PROCLAIM THE WEEK OF SEPTEMBER 17 – 23, 2015 AS "CONSTITUTION WEEK" AND DECLARING AN EMERGENCY. Mayor Hammond asked Ms. Hastings to explain why this was being

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requested. Ms. Hastings said she had received a phone call from the chairperson of the Daughters of the Founding Fathers group. She said several Villages and cities around the area have always proclaimed the week of September 17-23 as Constitution Week. She said the chairperson noticed that we were not on the list so a phone call was made to our office asking if the Mayor would make a proclamation declaring the same. Mr. Shelton made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes; Ms. Evans – Yes. The motion passed. Ms. Evans asked why we have not done this in the past. Ms. Hastings said we were never contacted before. She said this is the last year for this chairperson and she wanted to make sure she had everyone involved before she passed the information on to the next person. Mr. Shelton made a motion, seconded by Mr. Geiger to adopt Resolution 14-2015 and declare it an emergency.

Resolution 15-2015 A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT FOR THE SERVICE AND MAINTENANCE OF THE COPIER AT THE MUNICIPAL BUILDING AND DECLARING AN EMERGENCY. Mayor Hammond asked Ms. Hastings to explain. Ms. Hastings said a new copier is needed for the office. She said the amount of copies she generates a month, the smaller copiers that you purchase from Staples just aren't keeping up. She said she contacted the Gordon Flesch Company with no response, however she did hear back from MT Services. She said we would be purchasing the copier plus an annual maintenance agreement to include number of copies, toner and service. Ms. Evans asked how much it was going to cost. Ms. Hastings said the copier is \$ 4,200 with an annual fee of \$ 297.48 for black and white pages (3,350) and \$ 165.00 for color pages (250). Mr. Shelton made a motion, seconded by Ms. Evans to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes; Ms. Evans – Yes. The motion passed. Mr. Laxton made a motion, seconded by Ms. Evans to adopt Resolution 15-2015 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes; Ms. Evans – Yes. The motion passed.

At this time, Solicitor Hess asked Council to go into executive session to discuss potential litigation. He said he wanted to make Council aware of some recent court rulings and his opinion on how we move forward. Mr. Kaiser said you have to have pending litigation to go into executive session. Solicitor Hess said we have that. Mr. Kaiser asked if we had pending litigation right now. Solicitor Hess said we have a court case that we lost and can appeal. Mr. Kaiser said the wording on the posting is wrong. Solicitor Hess made a motion to amend the agenda to state pending litigation and remove the word "possibility". Solicitor Hess asked for a motion to go into executive session. Mr. Sadler made a motion, seconded by Mr. Laxton to enter executive session. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes; Ms. Evans – Yes. The motion passed. Council entered executive session at 8:27 p.m.

Council exited executive session at 8:51 p.m.

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

Joe Hammond, Mayor

Wendy Hastings, Fiscal Officer