

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
January 5, 2015**

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: Mr. Sadler, Mr. Geiger, Mr. Wissinger, Mr. Shelton and Mr. Laxton. Solicitor Hess and Chief Jordan were also in attendance. Ms. Evans and Engineer Grosse were absent.

Mr. Shelton made a motion, seconded by Mr. Sadler to approve the December 1, 2014 Regular Council Meeting Minutes. All members were in favor. The motion passed.

Mr. Geiger made a motion, seconded by Mr. Shelton to approve the December 15, 2014 Special Council Meeting Minutes. All members were in favor with the exception of Mr. Sadler who abstained. The motion passed.

Administrative Reports:

A. Mayor's Report – Mayor Hammond had no report.

B. Village Engineer's Report – No report

C. Village Solicitor's Report – Solicitor Hess said there were three pieces of legislation for tonight. He said Ordinance 2014-04 is up for a second reading tonight which allows the Mayor and/or Village Administrator to enter into an agreement with the Commercial Point Racing Committee. He said there were two pieces of legislation on tonight's agenda for a first reading. The first one is to realign funds from OPERS into the Social Security account. He said the second one is to enter into a pre-annexation agreement with Westport Homes of Ohio. He said it is being asked to be passed by emergency. Solicitor Hess reminded Council that this is a pre-annexation agreement and it doesn't bind any of the parties involved into anything permanent. He said it allows for initial agreements and timeframes to be set to move forward with discussions for annexations. He informed Council that they were not voting for or against annexation with this Ordinance that is before them tonight. He said it will allow the Mayor and administration to move forward with discussions with all the interested parties and discuss possible annexation. Solicitor Hess said there were representatives here tonight from Westport Homes that would be available to answer any questions.

Solicitor Hess said he had a meeting with a citizen this week regarding an ordinance that was passed back in 2013 regarding agricultural equipment driving in subdivisions. He said this citizens may approach Council and ask them to reconsider having this ordinance. Solicitor Hess said it is up to this Council as to what they would like to do with the request. He said there have been some citations written on that ordinance that are pending in court. He asked that specifics not be addressed since it is pending in court however the usefulness or purpose of the ordinance may be discussed.

D. Police Department Report – Chief Jordan passed out a monthly report to Council for their review. Mr. Sadler asked Chief Jordan for an update on our new officers. Chief Jordan said Officer Greathouse was on his own and doing a great job. Officer Kaltenegger is still riding along with Chief and Officer Greathouse. He said he is progressing well.

E. Village Administrator – No report

F. Fiscal Officer Report – Fiscal Officer Hastings gave the following report. Balances as of December 31, 2014 as follows: General Fund - \$ 1,018,795.38; Street Construction - \$ 196,858.13; State Highway - \$ 16,603.39; Parks and Rec - \$ 2,908.57; Permissive Motor Vehicle - \$ 7,485.55; Enforcement and Education - \$ 1,100.00; Housing Development - \$ 11,676.07; Water Operating – \$ 2,034,641.74; Sewer Operating - \$ 1,887,029.66; Garbage Operating - \$ 21,101.91

Legislative Reports:

1. Randy Shelton – Nothing to report
2. Nicole Evans – Nothing to report
3. Clarence Wissinger – Mr. Wissinger said a Finance Committee needs to be created so that we can start working on the budget for 2015.
4. David Sadler – Nothing to report
5. Mark Geiger – Nothing to report
6. Brad Laxton – Nothing to report

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
January 5, 2015**

At this time, Mayor Hammond opened the floor for citizen's comments. Mr. Keavin Hill said there is an ordinance in the Village that relates to farm equipment in the Village. He said he spoke with Solicitor Hess on Friday and they had discussed going into Executive Session tonight, however that was canceled. Mr. Hill requested that the Council consider going into Executive Session to discuss some issues in regards to this ordinance. Mayor Hammond asked Solicitor Hess what the stipulations were on going into session. Solicitor Hess said Council can make changes and add items to the agenda if they so choose. He said there are limited reasons to go into Executive Session, employee issues, contract issues, etc. He said one reason is potential or threatened litigation and based on his conversations with Mr. Hill, it could be heading this way. He said if Council wants to add a session to the agenda, they can. He said a session is typically Council and administration members only, however additional people may be asked to join them. Mayor Hammond informed Council that Solicitor Hess must have some information that he isn't aware of. He said the ordinance has been in place since April of 2013 and was voted on 5-0 with two of the previous members of Council that voted for the ordinance living in Walker Point. Mayor Hammond asked Solicitor Hess if he had found any case law that would support this ordinance as not being a legal ordinance. Solicitor Hess said that he hasn't found anything that would cause problems with the ordinance. He said when he and Mr. Hill spoke, Mr. Hill questioned the legality of the ordinance due to the legal opinions that he has received. Solicitor Hess said these are the things that he is continuing to look into. He said if there are items that an attorney or trade organization that has supplied information to Mr. Hill, he has agreed to take a look at it and provide the best legal information that he can to Council. He said if he would come across anything that would be questionable, he would let Council know about it as well. Solicitor Hess said as of now, the ordinance looks to be a lawfully passed ordinance. He said a court can review it and decide, if it gets to this point, if it is a good ordinance or not. He said he doesn't see anything wrong with the ordinance at this point, but ultimately he doesn't get to make that decision. Mr. Hill continued and said he is a very active member of the community and doesn't want to have any issues with the Village of Commercial Point. He would like to enter Executive Session so that this issue doesn't have to be dragged out in front of everyone. He wants to present his information to the elected officials of the Village and allow them to make a decision. Mayor Hammond said he knows you can only go into session for certain things and you have to state your reasoning. He said only the one topic can be discussed in session. Mayor Hammond asked Mr. Hill to state the reason for requesting an Executive Session. Mr. Hill said the reason being is to look at and address the Village ordinance that is in place and prohibit litigation. Mr. Geiger made a motion, seconded by Mr. Laxton to enter Executive Session after the Additional Items on the agenda to discuss the ordinance and possible litigation. A roll call vote was taken: Mr. Shelton – no; Mr. Wissinger – no; Mr. Sadler – yes; Mr. Geiger – yes; Mr. Laxton – yes. The motion passed and Council will be going into session later on in the meeting.

Mr. Scott O'Neil reported there are several street lights out in the Village. He said some are the regular street lights and others are the fancy street lights. Fiscal Officer Hastings said anytime someone reports to her that a street light is out, she calls South Central Power and submits a repair request. She said she could call South Central Power and see if they would come and do a drive through during the evening hours to see what needs to be repaired. She said she didn't know if this was something they would do nor not. She offered to call and make the report to SCP if Mr. O'Neil wanted to give her the addresses. Mr. O'Neil asked if someone in the administration couldn't drive around and make note of the street lights that are out. Mayor Hammond said the most logical person would be our police officers since they are out at night. Mr. O'Neil said if that is what Council so chooses that is fine, however he doesn't feel that is using the police officers time wisely. Chief Jordan asked if there was a way to figure out which ones were motion censored and which ones were not. He said he could drive by one and the light be out until he gets there and it comes on. Mr. Sadler said that would be a reason to report the light as not working. They should be on during the night hours. Mayor Hammond said Ms. Hastings had the best idea which is to call SCP and see if they would do a drive through during the night since there are so many lights out. Village Administrator Shelton said if people will report them to Ms. Hastings, they will be called in and reported. Mr. O'Neil asked for a Plan B if SCP is not willing to do a drive through. Ms. Shelton said a list will be made and called in.

Business Item:

Election of President of Council – Mr. Laxton nominated Mr. Shelton, seconded by Mr. Wissinger to continue as our President of Council. A roll call vote was taken: Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed.

Committees – There was discussion on what committees are needed for 2015. Mayor Hammond reminded Council that a total of 3 Council members are needed for each committee. Mayor Hammond said one of the most important committees that are needed is a Finance Committee. Mr. Sadler said he would like to see a Safety Committee. Mr. Shelton said he would like a Roads Committee. Ms. Hastings asked if sidewalks would fall under the

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
January 5, 2015**

Roads Committee. Mr. Shelton feels it could go under the Safety Committee. Mr. Sadler said he was thinking more in the lines of Police for the Safety Committee. Mr. Geiger said sidewalks should fall under the Roads Committee. Mr. Sadler asked if parks could go along with those as well. Mr. Shelton said a Zoning Committee needs to be established and action should be taken in this committee. It was decided to have a Special Council Meeting before the COW to establish the committees and set the committee members.

Meeting dates for 2015 – Mr. Shelton said he had a discussion with Engineer Grosse and he is not able to attend the COW meetings on the 3rd Monday of the month. He said after discussing it with some of the other Council members, Council will be best served if we keep it as is. He said the first Monday will be the Regular Council Meetings and the third Monday will continue as the Committee of the Whole meetings. Mr. Shelton said if there is something that needs Engineer Grosse's input before the COW meeting, a phone call can be made to Engineer Grosse to discuss whatever it may be. Mayor Hammond informed everyone that a Utility Department meeting is held every first Monday of the month at 7:00 a.m. He said it is an open meeting to the public. There was discussion on a few Council meetings falling on holidays. Ms. Hastings said January 19, February 16 and September 7 were the dates in question. Council decided to have meetings on January 19 and February 16. They moved the Regular Meeting in September to the 14th. Mayor Hammond asked Council to adopt the day and time for Trick or Treat. Council set the day to be October 31, 2015 from 6:00pm – 8:00 pm.

At this time, Mayor Hammond asked Solicitor Hess if the Ordinance regarding the go karts had to be passed quickly. Solicitor Hess said in his conversations with the President of the Committee, she had asked for the readings to be waived so that they could move forward with getting sponsors and promoting the races. He said there is no emergency language in the document, so waiving the readings tonight would allow this ordinance to go into effect in 30 days.

Legislation:

Ordinance 2014-04 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND/OR VILLAGE ADMINISTRATOR TO EXECUTE A USE AGREEMENT WITH THE COMMERCIAL POINT RACING COMMITTEE. Mr. Shelton made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: A roll call vote was taken: Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed. Mr. Laxton made a motion, seconded by Mr. Shelton to adopt Ordinance 2014 -04. A roll call vote was taken: Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed.

Resolution 01-2015 – A RESOLUTION TO RATIFY THE REALIGNMENT OF MONIES WITHIN THE GENERAL FUND FROM THE OPERS FUND 1000-715-348 AND TRANSFER IT TO THE SOCIAL SECURITY FUND 1000-715-212. Mayor Hammond asked Ms. Hastings to explain the reason for this resolution. Ms. Hastings said as of January 1, 2014 Council members were no longer eligible to participate in the OPERS program. Therefore, she needed to adjust their checks to allow them to pay into Social Security and reduce the amount paid into OPERS. Mayor Hammond asked for the amount. Ms. Hastings said \$ 35.00. Mr. Shelton made a motion, seconded by Mr. Geiger to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed. Mr. Geiger made a motion, seconded by Mr. Sadler to adopt Resolution 01-2015. A roll call vote was taken: Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed.

Ordinance 2015-01 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND/OR VILLAGE ADMINISTRATOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH WESTPORT HOMES OF OHIO, INC AND TRUSTEE DWIGHT A. IMLER AND DECLARING AN EMERGENCY. Mr. Laxton clarified that this was only to allow further discussions with Westport Homes. Solicitor Hess said that was correct. Mr. Sadler asked if the variables from the school, township and adjoining property owners could be added before this is signed. Solicitor Hess said that would be part of the discussion once Council needs to make a final decision on the annexation of the property. Solicitor Hess said this pre-annexation agreement is just between the Village, Westport Homes and the current property owner and only allows for further discussions regarding annexation. He said Mr. Mautino was here tonight and could answer questions. Mr. Jack Mautino, President of Westport Homes of Ohio, said they had reached out to the Superintendent of Teays Valley Schools, Mr. Halley, and were told there will be capacity issues at Scioto Elementary. He said the school can hold approximately 750 children and they are at 700 now. Mr. Mautino said he was told the middle school and high school capacities were not an issue. In Mr.

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
January 5, 2015**

Mautino's discussions with Mr. Halley, he was told that if this development were to go through, the children in the new part of the development would be bussed to South Bloomfield Elementary school. He said the only other option would be to redistrict the area and Mr. Halley said he wasn't a fan of redistricting. Mr. Tom Hart of Westport Homes said the school capacity issues along with the township and farmers would be more of a zoning issue. He said public hearings would be held to deal with these types of issues. He said the pre-annexation agreement lays out the responsibilities for all the parties involved and allows Westport Homes the ability to start the traffic studies, HOA issues, water/sewer issues, development layout with parks, zoning issues, etc. Mr. Shelton wanted to clarify if we pass this tonight, it just gives them the go ahead to start the process. Solicitor Hess said that was correct. He said the next steps would be public hearings regarding zoning issues where Council and citizens can ask questions about school capacity, law enforcement and whatever issues anyone can see with adding additional homes to our community. Mr. Shelton made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed. Mr. Laxton made a motion, seconded by Mr. Shelton to adopt Ordinance 2015-01 and declared it an emergency. A roll call vote was taken: Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Sadler – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed.

At this time, Mr. Struckman asked before Council went into Executive Session, if the ordinance is changed, will it be changed for all developments. Solicitor Hess said it would be for all developments. Mr. Struckman was wondering because they could use the streets of Chestnut Estates to get to their fields. Mayor Hammond asked Mr. Struckman if he owns land surrounding Chestnut Estates. Mr. Struckman said no but he does farm the land and it would make it a lot easier to use the roadways of Chestnut and not have to come across the fields. Mayor Hammond asked Mr. Struckman if he presently uses the streets in Chestnut Estates now to get to his fields. Mr. Struckman said no. Mayor Hammond asked if the ordinance was to go away, would Mr. Struckman use the streets of Chestnut Estates to get to the fields. Mr. Struckman said it just makes it easier to get in and out of the fields.

Solicitor Hess said there will be some zoning appeal discussion forth coming regarding some zoning issues in the Village. He said it could be a very lengthy conversation so he suggested setting up an evening that was not a scheduled Council meeting night.

At this time, Council entered Executive Session with regards to pending litigation in regards to a previous ordinance. Mayor Hammond asked Mr. Hill and Village Administrator Shelton to join them in Executive Session.

At 9:03 p.m. Council exited Executive Session and returned to the Council table.

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 L Hastings, Fiscal Officer