

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
July 6, 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. Shelton, Mr. Geiger, Mr. Wissinger, Mr. Laxton, and Ms. Evans. Solicitor Hess and Chief Jordan were also in attendance. Engineer Grosse was absent.

Mr. Wissinger made a motion, seconded by Mr. Sadler to approve the June 1, 2015 Regular Council Meeting Minutes. All members were in favor with the exception of Mr. Shelton who abstained. The motion passed.

Administrative Reports:

A. Mayor's Report – Mayor Hammond thanked the Utility Department employees for their work during the storms and flooding. He said no bad water left the utility plant. He reported that E.coli was found in the water coming in from the wells into the plant. He said everything is back in compliance with the EPA and we are still investigating how the bacteria got into the wells. Mayor Hammond said the Sheriff turned in a call log which included total hours worked and is available in the office. He said the 4th of July is fast approaching and a very important part of all of our lives. Mr. Sadler asked Mayor Hammond for an update on the digging of new wells. Mayor Hammond said to his knowledge he was unaware of any discussion that have taken place with other property owners. Mayor Hammond said this was a top priority on Engineer Grosse's list.

B. Village Engineer's Report – Mayor Hammond said he had spoken with Engineer Grosse regarding several items. 1) The approval of Walker Point Plat is on for the third reading today. He would like to wait until Engineer Grosse is here to approve it. 2) They discussed the vacating of the alleys 3) They discussed procuring a 6" diesel pump for the utility plant. He said had we not gotten one from Mansfield the night of the flood, we would have been in serious trouble with the Walker Point lift station. He said we are getting quotes and they are in the \$ 40,000 range. 4) They had discussion on the Walker Road Project 5) They discussed the safe passage ways and the engineering costs for the sidewalks.

C. Village Solicitor's Report – Solicitor Hess asked Council to remove for consideration Ordinance 2015-04 since Engineer Grosse isn't here tonight. He said Ordinance 2015-06 is regarding the vacating of portions of Oak Alley. Solicitor Hess asked to waive the three readings since there has been a lot of discussion over the past several months regarding this issue. He said there is also a citizen who wants to improve their lot and needs to have the survey completed before they can move forward. Solicitor Hess said he had been asked by the Zoning Committee to take a look at some of the language in the Zoning Ordinance and tidy it up. He said more information will be forthcoming.

D. Police Department Report – Chief Jordan said the Homecoming went well. He said Reserve Officers Jackson, Kelly and Waas worked with no issues or citations. He said school will be starting in less than 6 weeks and he wants to hire at least one new officer now to have all the training done before school starts. Chief said there are improvements that are needed at the police garage. He said the lighting is not working and he would like it replaced. He would like to see gravel put down on the driveway. It is very muddy. He would like to see shelving in the building for organizational purposes. Chief Jordan informed Council that he had repaired a stop sign on Front Street with the help of Mr. Struckman. He said he would like to be able to organize the signs that we do have for future projects. Mr. Shelton asked if Officer Owen worked during the Homecoming. Chief Jordan said he did not due to his work schedule. He said it was hard for Officer Owen to turn down overtime from his other job to come and work for the Village for free. He said Officer Waas worked 4 days in June and Officer Owen worked 3 days in June. Mayor Hammond asked if the reserve officers worked for the Men's Club during the Homecoming or if they worked under the Village. Chief Jordan said per the Mayor's request, the officer's worked for the Village. Mr. Sadler said the maintenance items could be approved by the Mayor and didn't need Council's approval. Chief Jordan said he wasn't sure what the plans were for the police garage and that is why he wanted to bring his recommendations up to Council. Mr. Geiger asked about the stop sign at the intersection of Harsh and First Street. Chief said he would look at it. Chief Jordan said a one way sign was placed on Third Street and a resident came in and asked about the legislation that was passed to make Third Street a one way street. Mayor Hammond said he was asked by Council over 1 ½ years ago to make this a one way street. He said he didn't know it needed legislation and asked Solicitor Hess if putting up a sign required it. Solicitor Hess said if you are putting up a sign that is changing traffic flow and needing the police to

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enforce it, then yes legislation is needed. Mayor Hammond asked Solicitor Hess to draft up an ordinance making Third Street a one way street.

E. Village Administrator – No report

F. Fiscal Officer Report – Fiscal Officer Hastings gave the following report: Fund Balances as of June 30, 2015 are as follows: General Fund \$ 1,239,154.93; Street Construction - \$ 215,276.71; State Highway - \$ 18,779.79; Parks and Rec - \$ 3,033.57; Permissive Motor Vehicle - \$ 7,488.10; Enforcement and Education - \$ 1,135.00; Housing Development - \$ 27,566.41; Water Operating – \$ 2,257,394.94; Sewer Operating - \$ 2,078,024.47; Garbage Operating - \$ 11,597.01.

Legislative Reports:

1. Randy Shelton – Nothing to report
2. Nicole Evans – Nothing to report
3. Clarence Wissinger – Nothing to report
4. David Sadler – Mr. Sadler said there was a Zoning Committee Meeting on June 22, 2015. He said they discussed particular zoning aspects with swimming pools being the main topic. He said proposed changes will be forthcoming.
5. Mark Geiger – Nothing to report
6. Brad Laxton – Mr. Laxton said he had spoken with the contractor regarding the center of town area. He said for the placement of a few trees, main tree in the center and a few benches it was going to cost approximately \$ 4,500. This price does not include any fence. Mayor Hammond said Engineer Grosse presented a rendering for the improvements to the center of town which included blacktopping an area to give more parking spaces and/or an area for special events. He said the engineering for this section was included in with the proposed engineering fees. Mayor Hammond said the sidewalks were discussed at the COW meeting. He said if Council is only planning on spending the \$ 100,000 less the engineering fees of \$ 17,300, why spend all the money on engineering if we aren't going to be doing all the pieces of sidewalk. Mayor Hammond suggested getting prices only for the projects that Council is planning on doing this year. Mr. Sadler said he didn't remember giving Engineer Grosse the go ahead to do engineering on all projects. Mr. Shelton said there was discussion but no firm decision at the COW meeting. Mr. Sadler said we only have "x" amount. Fiscal Officer Hastings said Council had asked Engineer Grosse for an ala carte price list so that they could pick and choose which projects they wanted to do. She said in doing that type of list, Engineer Grosse still has to do everything on each piece of sidewalk except put the job out to bid. Mr. Shelton said Ms. Hastings was correct, that they did ask for ala carte pricing. Ms. Evans said if we only choose to do two of the three projects, the engineering piece is already done for the future sidewalks. Mayor Hammond said he was not into spending \$ 8,000 to \$ 9,000 on engineering fees for projects that won't be completed this year. He said with possible upcoming administration and Council changes, they will need to start all over again and the engineering we paid for this year, won't count towards the next years. Mayor Hammond asked to transfer money to get all the projects done since they are paying for the engineering. He said he has worked hard for the safe passages and would like to see improvements done. There were several smaller conversations taking place. Ms. Evans asked what the cost of the Walker Road Project was. Mr. Wissinger said it was proposed at a cost of \$ 150,000. Ms. Evans said she didn't think Council was going to move forward with this project this year. Mr. Wissinger said that was news to him and that the Walker Road project was the only road project for this year. Mayor Hammond asked Council why they are saving money since we have this "bucket of money" and not providing safe passage ways for our residents. Mr. Sadler said there are other projects that Council might feel are just as important that need money to do as well. Mr. Wissinger agreed. Mayor Hammond said Council has brought nothing to the table to spend additional monies on and the "reserve" will be larger this year then it was last year. Ms. Evans said she doesn't feel that Council is saying they aren't going to spend any money this year. She said there was money spent in 2013 on sidewalks. Mayor Hammond said there has been less than \$ 100,000 spent on sidewalks in the last 4 years. Ms. Evans said Council needs to take a look at what was encumbered for streets for 2015. Fiscal Officer Hastings said \$ 100,000 was appropriated for streets with \$ 9,700 already been spoken for in engineering fees. She said \$ 100,000 was appropriated for sidewalks with \$ 17,300 already spoken for in engineering fees. Ms. Evans asked if Engineer Grosse does not want to only do two of the three sidewalk projects. Mayor Hammond said there seems to be confusion in what Council is asking Engineer Grosse to engineer and what projects they really want to do this year. He said he put the brakes on the

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engineering for the sidewalks this morning until Council decides what they want to do. He asked again why pay for something that we are not going to be getting this year. Ms. Evans said Council should look at it as though they have \$ 200,000 in streets and sidewalks and since there is no large street project this year....Mr. Wissinger said the Walker Road project is projected at \$ 150,000. Ms. Evans said we only have appropriated \$ 100,000 in streets. Mr. Wissinger said we could move monies from the transfers out fund and do this project as well as the slurry seal to a few other roads. He said he thought this was already discussed. Mr. Sadler said he thought a conversation was going to be had with the Scioto Township Trustees to see what portion of the Walker Road project they were interested in helping with. Mayor Hammond asked Mr. Struckman what his opinion was on the Walker Road situation. Mr. Struckman said his opinion is that on Walker Road from St. Rt. 762 to 50 to 60 feet south of Edmonds Drive needs to be worked on. He said the rest of it is fine and from a township point of view they wouldn't do anything to the other part that is in the proposal. He said the piece from St. Rt. 762 to Edmonds on Walker Road has been dug up by the Village for water and sewer lines. He said it sounded like Engineer Grosse wanted to grind the blacktop down but there is only gravel underneath. Mr. Struckman feels a new base would be needed and didn't suggest just grinding down the blacktop. Mr. Struckman also feels all of the work should be paid for by the Village since it was us who dug up the sections of road and it has never been compacted correctly or settled right. Mayor Hammond asked Solicitor Hess if we would have a legal right to do the township's side of Walker Road. He said he was challenged by the Attorney General's office on a \$ 500 project and he doesn't want to get into the same type of ordeal. Solicitor Hess said this is something he would have to look into. He is sure this type of issue with street repair has come up before; however he wants to research before he gives a definite answer. Solicitor Hess corrected Mayor Hammond and said we had received a letter from the State Auditor's Office and not the Attorney General questioning the Village spending our funds on the moving of the gate at the entrance to the school. He said he can understand why Mayor Hammond has concerns on this issue. Again Solicitor Hess said he will research the issue and get back to Council.

Mr. Shelton asked Mr. Wissinger for the total cost for Walker Road. Mr. Wissinger said Engineer Grosse had given him a rough estimate of \$ 150,000 to do the project. He said this takes care of the sub base portion, drainage and mill and paving for a 25 square yard area. Mr. Sadler said it would be best if Engineer Grosse was here to explain and answer Council's questions. Mayor Hammond said Council has authorized Engineer Grosse to spend no more than \$ 1,000 on engineering fees to sit down with the township and see where they stand on this project. He said it makes no sense to spend money on engineering fees for a project that we are not allowed to do. Ms. Evans said she doesn't agree with not spending the money on engineering. She feels if we don't do the engineering on all the projects we aren't going to know what each project is going to cost. There is some confusion as to what the \$ 150,000 is going to cover. They need to find out how far on Walker Road is Engineer Grosse looking at repairing. Edmonds Drive is the first entrance while Yukon Dr. is the second and they are not sure where the project is going to. Mayor Hammond said we can't move forward until we find out legally if the Village can pay for the section of Walker Road that lies only in the township. There was discussion on who owns Walker Road. Mr. Struckman said he wasn't sure who paved Walker Road the first time that it was done. Mr. Kuzelka thinks the Village paid for all of the paving of Walker Road from St. Rt. 762 south to the corporation limit. Mayor Hammond asked if there was legislation passed for this project. Mr. Kuzelka feels there was and thinks it was in 2003-2005. Mr. Shelton asked Ms. Hastings to look into this. Mr. Shelton said there is another section of Walker Pointe that is getting ready to be developed. He suggested doing the part of Walker Road that needs repaired now and once the development is complete, do the rest of the road. Ms. Evans said that was what she thought we were doing all along. Mr. Sadler feels Engineer Grosse needs to be here to discuss this project. There was discussion on taking funds from other accounts however Ms. Hastings said she needed to check on a few things to see if that was possible. She will check on Account number 2011-640-399 and report back to Council. Mayor Hammond asked Council if it was their pleasure to spend \$ 17,000 on engineering fees even though not all projects will be done this year. Mr. Shelton said he agrees with Mr. Sadler that we need to get the engineering done on all the projects and do what we can this year. He said engineering will then be done for future projects. Mayor Hammond just wanted to clarify that Council is willing to pay for something this year that they don't plan on actually getting done this year. Ms. Evans said they can't say for certain they won't get it

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done until they see the costs on everything. Mr. Sadler agreed. Again Mayor Hammond asked Council if it was their pleasure to spend \$ 17,000 on engineering for the sidewalk projects. He asked for an all in favor vote. All Council members agreed to spend the \$ 17,000 on engineer with no negative votes. Mayor Hammond said he will speak with Engineer Grosse tomorrow.

At this time, Mayor Hammond asked for Citizen's Comments. Ms. Nancy Geiger spoke to Council regarding problems with sections of sidewalks throughout the Village. She asked if there was an ordinance making people take care of their sidewalks in front of their homes. Mayor Hammond said Solicitor Hess told him the Village could remove and replace existing sidewalks. Mayor Hammond said he had proposed all along to repair all of the existing sidewalks. He said he would like to still do that in addition to the sidewalk projects that have been proposed for this year's projects. He said maybe we should look at existing sidewalks and see what should be done first. Ms. Geiger said the sidewalks in the old part of the Village are the worst. Mayor Hammond said the grass has to be over 12" tall before the Zoning Inspector can issue any notifications or citations. Ms. Geiger said one of the worst sidewalks is on Front Street from the apartments and continue to the north. Mr. Wissinger asked if the sidewalks were not the responsibility of the homeowners. Solicitor Hess said no. Ms. Geiger asked if there had been anything more done regarding the splash pad she had proposed. She said that she has had a lot of people in the community contact her regarding helping with the project. She said she will be speaking with Mr. Halley regarding purchasing the property behind the municipal building. Mayor Hammond said he has money in the budget to put the police garage behind the municipal building. Ms. Geiger said the school will not allow that to happen because they do not want another building blocking the school. Mayor Hammond said this has been something he has wanted to do since he got into office. Ms. Geiger said she would like to see her tax dollars pay for something nice for the community.

Mr. Struckman spoke to Council regarding a fence that belongs to him that was torn down by the construction going on at Walker Pointe. He is requesting that the fence be put back up as it was. Fiscal Officer Hastings said she knew that Engineer Grosse had sent an email to the contractor regarding putting this fence back up. Mr. Struckman was just reporting that to date, it had not been done. He said that he has been requesting for a while now that when the Zoning book is updated, to add language that the developers of these subdivisions have to install fencing around their property to keep children and trash off of other property. Mr. Struckman said as far as his vote from the township on repairing Walker Road, he would have to vote no because he feels it is in too good of shape and doesn't need repairs at this time. He said as far as determining who owns what section of the roads, there are many possibilities in doing so. He said the road could be split horizontally instead of vertically. He gave examples of where this is done with other townships. Solicitor Hess said he is sure we are not the first municipality/township that owns a road together. He said he will look into what our options could be before he will make any type of recommendation. At this time, Ms. Hastings said she had received a text message back from Engineer Grosse regarding the Walker Road project. The estimate of \$ 150,000 included the section of Walker Road from St. Rt. 762 past the seconded entrance into Walker Pointe which is Yukon Drive. Mr. Struckman said another option would be for the Village to annex into the Village the other section of Walker Road. He said he doesn't see the township arguing about that. Ms. Hastings said Engineer Grosse texted regarding the fence on Mr. Struckman's property. He said that he has to sign off on the development before any house can go up in the new section. He said he will not sign off until Mr. Struckman's fence is replaced. Mr. Struckman asked why Council chooses to keep so much money in the General Fund. Mayor Hammond said all Village operations are paid for out of the General Fund including electricity. Fiscal Officer Hastings said Council was allowed appropriate \$ 1.4 million dollars for their General Fund. They appropriated \$ 1.2 million however to date only \$ 110,000 has been spent out of the General Fund. Ms. Hastings said there was \$ 821,000 sitting in the transfers out account that could be transferred anywhere in the General Fund. She said all Council has to do is request a transfer, she will then write up a resolution for Council to pass and the money is transferred. Mr. Struckman asked if that money could be spent on anything legal for the Village. Fiscal Officer Hastings said yes. Mr. Struckman said he was a taxpayer to the Village and was just curious. Mayor Hammond said there was \$ 500,000 in the budget when he came on board. He said Council has made some good decisions and that is why the money is where it is now. He said if we have an emergency situation, he doesn't want to wonder where the money is coming from.

Ordinance 2015-06 – AN ORDINANCE TO VACATE OAK ALLEY THAT RUNS BETWEEN HICKORY ALLEY AND CONGRESS STREET AND BETWEEN NORTH ALLEY AND BROWN STREET. Mayor Hammond asked for a motion to waive the three readings. Mr. Shelton made a motion, seconded by Mr. Geiger to waive the three readings. A roll call vote was taken: Mr. Laxton – Yes; Mr. Geiger – Yes; Mr. Sadler – No; Mr. Wissinger – Yes; Ms. Evans – Yes; Mr. Shelton – Yes. The motion passed. Mr. Laxton made a motion, seconded by Mr. Shelton to adopt Ordinance 2015-06 A roll call vote was taken: Mr. Laxton – Yes; Mr. Geiger – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Ms. Evans – Yes; Mr. Shelton – Yes. The motion passed.

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At this time, Ms. Hastings said Administrator Shelton had asked her to look into doing something for the Teays Valley Softball Team. Ms. Hastings reported that she had spoken with Ashville's Chief of Police, Chief Clark, and he along with the Mayor and Council are going to be purchasing signs to be placed at the entrances to Ashville. Ms. Hastings said she will work with Chief Clark and get pricing on what the signs will cost and bring more information to Council as she gets it.

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

Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer