

**VILLAGE OF COMMERCIAL POINT
SPECIAL COUNCIL MEETING MINUTES
April 21, 2014**

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. Mr. Shelton took roll call with the following members present: Mr. Shelton, Mr. Sadler, Mr. Geiger, Mr. Laxton and Ms. Evans. Solicitor Hess and Engineer Grosse were in attendance. Fiscal Officer Hastings arrived at 7:20 p.m. Mr. Wissinger was absent.

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

Mr. Shelton made a motion, seconded by Mr. Laxton to go into Executive Session regarding acquisition of property. A roll call vote was taken: Mr. Shelton – Yes; Ms. Evans – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes; Mr. Laxton – Yes. The motion passed.

Executive Session ended at 7:30 p.m. and Council returned to the table. Mr. Hammond read Resolution 06-2014. **Resolution 06-2014 – A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO AN AGREEMENT REGARDING TRANSFER OF PROPERTY AND A RIGHT OF ENTRY AGREEMENT ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT FOR THE EXAMINING AND TESTING OF PROPERTY FOR WATER SERVICE CAPACITY.** Mr. Geiger made a motion, seconded by Ms. Evans to suspend the three readings. A roll call vote was taken: Mr. Shelton – Yes; Ms. Evans – Yes; Mr. Sadler – Yes; Mr. Geiger – Yes; Mr. Laxton – Yes. The motion passed. At this time, Mayor Hammond asked Engineer Grosse to give a brief explanation of what is happening. Engineer Grosse had a map of the location of land that we are looking to purchase to drill a well. He said there had been several meetings with the property owner, Solicitor Hess, Mayor Hammond and himself working out the details of the agreement. He said the details of the agreement give us the right to enter onto the property, do all of our testing, make a determination as far as a permanent well, drilling the permanent well and allowing a 24-48 hour pumping test. For this they have requested a non-refundable deposit of \$ 10,000. If we find water and move forward with purchasing the land, this \$ 10,000 will go towards the price of the land. If we do not find water or the quality or quantity we are looking for, we forfeit the \$ 10,000. Engineer Grosse said there are no guarantees. Once tests are complete and we determine there is water in this location at an excess of 400 – 500 gallons per minute, we would need to purchase land at a cost of \$ 12,500 per acre up to 10 acres, however only purchasing the acres we need. Engineer Grosse said the decision to purchase the land is solely with the Village. If for any reason we do not feel this is a good piece of property; water quality is what we want, quantity isn't what we need; the Village can back out with no obligation. Water service is another part of the agreement. Lehman Farms wanted to be treated as any other perspective water user. If they come to us and request water service and are willing to pay for it, they want to be able to get water. Another section of the agreement deals with credit towards tap fees. They requested a \$ 5,000 per acre credit towards tap fees up to 10 acres. Annexation is also in the agreement. They have agreed at their request if they become contiguous to the Village, they will be annexed. Engineer Grosse said we are asking to keep the contract open for one year. This should give us time to get everything completed. If this is approved, an approval letter will be sent from the Ohio EPA and we will get 3 quotes from contractors. Engineer Grosse said Council will be kept informed and involved in the process. Ms. Evans made a motion, seconded by Mr. Geiger to adopt Resolution 06-2014. A roll call vote was taken: Ms. Evans – Yes, Mr. Geiger – Yes, Mr. Shelton – Yes, Mr. Laxton – Yes, Mr. Sadler – Yes. Motion passed.

Resolution 05-2014 - 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 HVAC SYSTEM AT THE MUNICIPAL BUILDING. Mayor Hammond did a second reading, Title only.

At this time, Engineer Grosse updated Council on the 2014 paving project. The original plan was to mill and pave Front Street and install curbing on the east side of the road. Also included was some mill and paving work to be done on Congress Street. He said the numbers coming in for these two projects is estimated at approximately \$ 80,000. He said Council approved \$ 100,000 for streets this year. Engineer Grosse feels uncomfortable tying all of the money up when there are other things that need to be repaired. Engineer Grosse said we could back off and do pothole repair on Congress instead of replacing the street. Front Street could just have a seal coat that will last a few years and then mill and pave at a later time. Mr. Shelton said we have \$ 100,000 appropriated, less the \$ 80,000 for this project. That leaves \$ 20,000 for other repairs. Fiscal Officer Hastings said out of the remaining \$ 20,000, \$ 6,100 has already been allocated for engineering on the paving project, \$ 5,920 will be the final payment to ODOT for the paving that was done

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to the section of Welch Road that is in the Village corporation limits, and roughly \$ 600 was spent on pothole repair throughout the Village. Mr. Shelton asked if the pothole repairs on Walker Road belonged to the Village. Engineer Grosse said the Village is responsible. Ms. Evans suggested the Roads Committee does a ride along with Engineer Grosse to see what all needs to be repaired. Mr. Shelton agreed. Engineer Grosse said he was available anytime. He was leaving it up to the Roads Committee to contact him.

Mayor Hammond said he had a meeting with a few local ladies that were hosting a Relay for Life in our Village. They have asked to have a flyer inserted in with our water bills. Mr. Sadler asked if they just wanted wording added to the bottom of the bill or an insert. Mayor Hammond said they were willing to accept anything we could offer. Mayor Hammond said the concern was setting precedence. If we allow this, what other organizations are going to be asking for the same thing. Solicitor Hess said Council approved the Board of Elections flyer to be placed in the water bills just a few weeks back. Solicitor Hess said we need to set perimeters as to what we will allow. Do we say only if you are a local organization, 501(c)3 organization, etc. Mr. Laxton asked how Council comes up with a policy. Solicitor Hess said it should be discussed in a meeting and then a policy put into place. Mr. Shelton wanted to confirm that this particular event was taking place in the Village. Fiscal Officer Hastings confirmed that it was taking place at the Teays Valley West Middle School. The event is happening on May 17, 2014 so it needs to be in this next month's invoices. Mr. Shelton made a motion, seconded by Mr. Sadler to allow the Relay for Life flyer to be inserted into the water bills. All members were in favor. The motion passed.

At this time, Solicitor Hess noted the next thing on the agenda was Citizens Comments. He said it was his understanding that these comments were going to be in reference to employment issues. He said employment issues are one of the topics that fits the criteria for executive session. Solicitor Hess said Council would be going into Executive Session to discuss an employee's grievance and the employee confirmation process. Solicitor Hess offered to Mr. Stone and Mr. Havens to join Council in the executive session if they so choose or they could speak in public. Mr. Stone said he would like to address Council privately while Mr. Havens said he would like to have the opportunity to speak in executive session as well as publicly. At this time, Mr. Mike Havens of Doughboyz said he had an issue after closed hours. He said an officer, Officer Murphy, came beating on the door of his establishment, wanting to get into Doughboyz. Officer Murphy was let in. Mr. Havens said since this incident, he has been issued a citation from the State of Ohio Department of Safety, due to the fact the Commercial Point Police Department saying Doughboyz was untimely of letting them into the bar. Mr. Havens said it was around 2:30 – 2:35 a.m. and the bar was closed. He said Officer Murphy came and knocked on the door. Mr. Havens said everyone that works for him knows that after hours, you never open the door due to money being in the establishment and the girls might be working alone. Mr. Havens said Officer Murphy did not identify himself, however someone saw him through the window and immediately let him in. Mr. Havens asked Officer Murphy, "Did you at any point in time while you were outside knocking on the door, identify yourself as an officer of the law?" Officer Murphy replied, "First of all Mike, because this is a case that's pending as investigation purposes, it would not be appropriate for me in this form to answer anything concerning... It is a criminal offense, as well as a liquor control violation, as well you were an hour and an half past your liquor license and I cannot, cannot go into the details of that mainly because under the rules and regulations of a police officer, it's a pending work case." Mr. Havens said he has already been served to go to court and was just asking as a citizen, "Did you identify yourself to the lady as a police officer, to let you in so we knew who was there." He said is exact point was, they didn't open the door because they didn't know who was there. Officer Murphy replied, "The entire incident is recorded on video and you can ask our prosecutor, it is un..., I am out of, not permitted to go into a case that's currently being investigated by both State agencies and local agencies and I can't go into details. I apologize. I would like to, I really would, but I would be in violation, to answer those questions, would put me in violation of our policy and procedures, Mike. I cannot answer any questions regarding any open investigation of open incident, I'm sorry." Again Mr. Havens asked, however Officer Murphy said he could not answer. Solicitor Hess Officer Murphy has answered the way he feels necessary. The incident is on video and subject to a public records request. Mr. Havens asked if anyone had viewed the video. Solicitor Hess said he had, however he couldn't recall if Officer Murphy identified himself or not. He plans on watching it again. Mr. Havens requested publicly a copy of the video from the night of this incident. At this time, Mr. Shelton made a motion, seconded by Mr. Geiger to go into Executive Session to discuss employee grievance investigation, employee confirmation process and citizens comments. A roll call vote was taken: Mr. Shelton – Yes, Mr. Geiger – Yes, Mr. Laxton – Yes, Ms. Evans – Yes, Mr. Sadler – Yes. The motion passed. Solicitor Hess wanted to confirm Mr. Stone and Mr. Havens were to be in the executive session. Mayor Hammond also invited Administrator Shelton to join the meeting.

At 10:23 p.m., Council returned to the table. Solicitor Hess thanked everyone for their patience while Council was in executive session. He said these issues are very important to the public as well as Council. He said there are conflicting views and testimony from both parties so Council is going to continue with their investigation. Solicitor Hess

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said there would be no decision or vote at tonight's meeting. He feels it would be inappropriate to vote without additional research.

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

Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer