



**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
June 4, 2012**

Mayor Hammond called the meeting to order followed by the Pledge of Allegiance. Next, Mayor Hammond asked for a Moment of Silence to honor our Men and Women; Past and Present; for their Military Service to our Country

Mr. Kuzelka took roll call with the following members present: Mr. Cruz, Mr. Jason Thompson, Mr. Shelton, Mr. Wissinger and Mr. Kuzelka. Solicitor Crites, Engineer Grosse, and Chief Jordan were also in attendance. Ms. Gooden-Kinney and Ms. Hastings were absent.

Mr. Kuzelka made a motion to approve the May 7, 2012 Regular Council Meeting Minutes, seconded by Mr. Shelton. All members were in favor. The motion passed.

Administrative Reports:

A. Mayor's Report – please see attached. Chief Jordan talked with the servicemen working on the tornado. In order for us to be able to run our own testing on the siren, we would have to purchase a hi-bank radio. These radios could cost approximately \$ 400. We could also purchase a walkie talkie for approximately \$ 250 that would be able to communicate with the siren. Chief Jordan recommends testing once a week, however Pickaway County will only test once a month. Mr. Shelton asked who was going to be making sure the tornado siren continues to work properly. Chief Jordan informed Council that he would make sure someone from the Police Department or Ms. Hastings would listen for the test siren the first Wednesday of every month.

B. Village Engineer's Report – Mr. John Thompson gave the following update regarding the Utility Plant. Over the last week, we had several calls with residents concerned with brown water coming from their faucets. Engineer Grosse and Mr. John Thompson feel one reason this happened is Wilson's Turf hooked onto our fire hydrants to water new sod in the housing developments. Another reason is due to the softer water traveling through the pipes. The hydrants at Southern Point were flushed immediately and the rest of the village will be next. We are currently cleaning well # 7. Sheree Johnson from the EPA has informed Mr. Thompson that the Wastewater Treatment Plant has been out of compliance since before January of 2012. Rick and Vick from the EPA spent an entire day with Mr. John Thompson, going over the WWTP. They pointed out specific areas that needed to be fixed/changed to be in compliance with the EPA. If we continue the way things are now, we will be reported as non-compliant and can be charged \$ 25,000/day until we get things fixed. The Utility employees are working very hard to straighten things out. Sheree will be coming out in the next few weeks to inspect the progress we are making. Mr. Cruz asked if we are now in compliance. Mr. John Thompson said we are much better than before, however he will continue to get the plant up to EPA's specifications. Mr. Cruz asked how long we have been non-compliant. Mr. Jason Thompson said he had been out at the plant when the gentlemen from the EPA were there. They told him that things were a lot worse in January than they had been, however we were in non-compliance for quite some time. Mr. Cruz asked Mr. Grosse if he was aware of the problems at the plant. Mr. Grosse said he was aware and that is why he had tried to make some adjustments. Mr. Grosse said using Carl Wheeler to haul away the foam will help a lot, however the foam can only be hauled to EPA approved locations. Mr. Kuzelka asked if we would be using the drying beds to help with some of the sludge. Mr. John Thompson said he would try to get them up and running, however the sludge will still need to be hauled away. Mr. Cruz asked Mayor Hammond how long he had known about the non-compliance. Mayor Hammond informed Mr. Cruz it had been about 2 ½ weeks since he was informed. Mr. John Thompson said the ammonia levels seem to be the biggest concern. The rest of the hydrants will be flushed with the assistance of the fire department the week of June 11 – 15, 2012.

C. Village Solicitor's Report – Solicitor Crites reported that he had a meeting with Mike Struckman, Don Brocius and Mayor Hammond regarding the JEDD. There are a few minor items that need to be worked out as well as 2 or 3 major decisions. Solicitor Crites said they would like to have this completed with a late August, early September timeframe. He will supply Council with the final proposal when it becomes available.

D. Police Department Report – Please see report at the office. Mr. Cruz asked where we were with number of officers. Chief Jordan said there were 5 paid auxiliary officers along with himself and Sergeant Murphy. He has received 2 applications and is in the process of reviewing them. Chief Jordan also reported that he has purchased and received (2) AED units. He will be training all of the officers on these units before they are placed in the vehicles.

E. Fiscal Officer's Report – No report.



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Legislative Reports

A. Legislative Authority Reports

1. Vidal Cruz – No report
2. Jim Kuzelka – No report
3. Kimberly Gooden-Kinney - Absent
4. Jason Thompson – Mr. Jason Thompson informed Mayor Hammond that Mr. John Thompson's picture was put on the website instead of his. Mayor Hammond said he would get this fixed.
5. Randy Shelton – No report
6. Clarence Wissinger – No report

Committee Updates

A. **Utility Committee** – Mr. Jason Thompson reported he had received a proposed contract from Country Connectors. Solicitor Crites has seen it and made some adjustments. Solicitor Crites will be preparing an ordinance for the Council to review and vote on at the Special Council Meeting that will be held prior to the COW meeting on June 18, 2012. Solicitor Crites asked if the Council wanted this ordinance passed as an emergency. The Council said yes.

B. **Street Committee** – Engineer Grosse stated the bid notice will be published in the paper on June 6 and 13, 2012 with an opening date of June 21, 2012. Work on South Alley and the intersection of Front/Bellshazzer will be completed by July 25, 2012 with the remaining work to be completed by August 15, 2012.

C. **Safety Committee** – Mr. Jason Thompson reported his findings on prices for the LED flashing stop signs and crosswalk signs. He spoke with a salesman from Paul Peterson and received a price of \$ 5,610.00 to install 3 LED flashing signs. Mayor Hammond said he would try to negotiate for a lower price. Mr. Shelton asked if the intersection of Walker Road and St. Rt. 762 was Village property. The answer was no. The Village would have to get permission from the township to put a new flashing stop sign at this intersection. Trustee Struckman informed Council that the State of Ohio replaces the signs for the Township. Solicitor Crites suggested contacting ODOT for their permission. Mr. Jason Thompson said he would contact ODOT to find out what needs to be done. Council needs to let Solicitor Crites know if a resolution is needed and he will prepare one. Mr. Jason Thompson reported that he had attended the Scioto Township meeting. The trustees are willing to work with the Village on the walk path from Walker Point into the Village, however they would like to see a drawn out plan with materials needed. Mr. Jason Thompson and Mr. Grosse will get together in the next few days to discuss. There will be more discussion at the Safety/Street Joint Committee Meeting scheduled for June 19, 2012 at 7:00 p.m.

D. **Finance Committee** – No report

E. **Zoning Committee** – No report

At this time, Mayor Hammond thanked the citizens for attending the meeting and asked if anyone had any comments or concerns. Ms. Julie Tietz from West Scioto Green asked for an update on who is responsible for upkeep in their subdivision since there is no HOA. Solicitor Crites said there was a letter from the developer encouraging an HOA be put into place at West Scioto Green. He also reported finding inconsistent information regarding ownership. He will be doing more research and have an update soon. Mr. Jason Thompson asked for an update on the fence that is to be placed on the right side of the entrance to WSG. Mayor Hammond said he was waiting for the price quotes. Mr. Jason Thompson feels 30 days is pointless and the work should have already been completed. Mr. Cruz said the motion was to erect a fence using the recommendation of materials from Engineer Grosse. He feels waiting 45 days to receive quotes is too long. Mayor Hammond said he will do this the right way and wait for the quotes. He will not award the job to a buddy, just to get it done. Mr. John Thompson said he has been taking up a lot of Engineer Grosse's time over the last few weeks at the plant and that could be the reason he has not had time to work on the fence. Mayor Hammond said he wanted to put up a good sturdy fence for the safety of our residents. Mr. Shelton agreed with Mayor Hammond and said we needed the fence to be engineered professionally due to safety reasons.

Business Items:

- A. **Executive Session to discuss Approval of Acting Village Administrator** – Mayor Hammond asked for this item to be removed from the agenda for further investigation. Mr. Cruz asked if there



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were any candidates for this position. Mayor Hammond said he was under the assumption that he could act as Village Administrator until he received a phone call from Solicitor Crites telling him otherwise. Solicitor Crites said per the statute, no elected official can operate as the Village Administrator. The Fiscal Officer and the Village Administrator are needed to sign contracts for the Village. The procedure is to have the Mayor appoint a Village Administrator and the Council would agree or not agree with the appointment. The same procedure happens for an "acting" or "official" Village Administrator. Mr. Cruz asked if Council has the right to check the references on a resume before they approve the candidate. Solicitor Crites said the Council can verify with the references provided by the candidate. Solicitor Crites made it clear to Council that we have a contract coming up with Country Connections and it will need to be signed by the Village Administrator and Fiscal Officer. Mr. Cruz asked if it was OK for the Mayor to sign the contract. Solicitor Crites said not normally. Council asked for the appointment of the Village Administrator to be placed on the Special Council Meeting Agenda for June 18, 2012.

B. Designation of RITA Delegate and Alternate Delegate – After some discussion, Mr. Kuzelka made a motion, seconded by Mr. Shelton to have Ms. Hastings on as our Delegate and Mayor Hammond as the Alternate Delegate. All members were in favor. The motion passed. Mr. Cruz asked if we could sign an ordinance approving the title of Fiscal Officer as delegate and Mayor as alternate for the future. Solicitor Crites said that was a good suggestion and he would look into it.

C. RITA Subpoena program – Council felt they didn't have enough information on this to make a decision tonight. They asked to have this item put on the agenda for the Special Council Meeting on June 18, 2012.

D. Liquor Permit - After some discussion, Council feels they need more documentation on this before they can vote on requesting or not requesting a hearing. This will be placed on the agenda for the Special Council Meeting on June 18, 2012.

E. Part-time Utility Employee Pay Chart – Mayor Hammond reviewed with Council his proposal for a pay increase for the part-time employees at the Utility Plant. After a brief discussion, Mayor Hammond asked for an amendment to the Administrative Pay Chart Guidelines. Mr. Jason Thompson made a motion, seconded by Mr. Shelton to approve the proposed changes. All members were in favor. The motion passed.

F. Ross, Pickaway, Highland, Fayette Joint Solid Waste Management District Final draft– see Ordinance 2012-05.

Legislature:

At this time, Mr. Kuzelka left the Council table due to conflict of interest. Mayor Hammond explained there have been a lot of homes sold at Dominion Homes over the last few months. Per our agreement with Mr. Talbott, we need to reimburse him 1/3 of each tap we sell at Southern Point. As of the first quarter of 2012, we owe Mr. Talbott \$ 30,000. These next two ordinances are to move money to be able to compensate Mr. Talbott.

A) Ordinance 2012-03 – **AN ORDINANCE TO REALIGN MONIES WITHIN THE WATER FUND FROM THE CAPITAL OUTLAY FUND 5101-539-590 AND TRANSFER SAID MONIES TO THE OTHER DEPOSITS REFUNDED FUND 5101-539-610.** Mayor Hammond read Ordinance 2012-03 Title Only.

B) Ordinance 2012-04 – **AN ORDINANCE TO REALIGN MONIES WITHIN THE SEWER FUND FROM THE CAPITAL OUTLAY FUND 5201-549-590 AND TRANSFER SAID MONIES TO THE OTHER DEPOSITS REFUNDED FUND 5201-549-610.** Mayor Hammond read Ordinance 2012-04 Title Only.

At this time, Mr. Kuzelka rejoined the Council Table.

C) Ordinance 2012-05 - **AN ORDINANCE APPROVING THE FINAL DRAFT AMENDED SOLID WASTE MANAGEMENT PLAN OF THE ROSS, PICKAWAY, HIGHLAND, FAYETTE JOINT SOLID WASTE MANAGEMENT DISTRICT.** After a brief explanation by Solicitor Crites, Council felt they did not have enough information to vote on this at this time. They asked to have this item placed on the agenda for the Special Council Meeting on June 18, 2012.

At this time, Mr. Shelton informed Council the Street Committee had received via Mayor Hammond, a quote from Pickaway County to pave a .4 mile strip of Welch Road that belongs to the Village. Pickaway County will be repaving Welch road from the County line all the way to the St. Rt. 762 intersection. The cost to the Village if they so choose to allow the County to proceed with the paving is \$ 17,760 for our portion. We have three options 1) Do nothing and the



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County will not pave our section of Welch Road. 2) Allow the County to do the repair work and pay them a one-time sum of \$ 17,760 once the work is complete. 3) Allow the County to do the repair work and pay them annual payments in the amount of \$ 5,920 over the next three years. The Street Committee recommends option #3. The Committee would also like to see the dollar amounts and scope of work to be completed. Mr. Kuzelka asked if this was a prevailing wage job. Engineer Grosse said it was. Mr. Wissinger made a motion, seconded by Mr. Kuzelka to enter into an agreement with Pickaway County to pave .4 mile of Welch Road, belonging to the Village, at a cost of \$ 17,760 payable in 3 annual payments of \$ 5,920.00. All members were in favor. The motion passed.

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

Joe Hammond, Mayor

Wendy L. Hastings, Fiscal Officer



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MAYOR'S REPORT

- Tornado siren is completed and working
- Reviewed, renegotiated and renewed Village Insurance Policy. 2011 Payment was \$ 17,088.00 and the 2012 renewed rate was \$ 14,497.00 for a savings of \$ 2,591.00
- Held meeting with Tim Hoehnke, Manager of LATA, Tim Landis, John Grosse and John Thompson. All fees were discussed and we have a pay schedule for their services. The Village will issue a P.O. for emergency services. All other work will be done on a job by job basis with an individual P.O. being issued.
- Record Retention meeting was held May 21, 2012 with Mr. Crites, Ms. Hastings, Ms. Shelton and Mayor Hammond. The committee is in place and shall begin the task of cataloguing the records and developing the procedures.
- There was a meeting with Don Brosius, Township Attorney, Mr. Crites, Mr. Struckman, and Chief Welsh concerning the JEDD Program.
- Engaged Agrosapes to do two lawn applications, complete clean-up, pruning, fertilize plants, mulch and mowing. Total cost \$ 1,030.74.
- Reviewed quote from Bugs Be Gone for mosquito fogging. They would like an annual contract for (10) applications for \$ 1,250 total or an on needed basis at \$ 200.00 per application.
- John Thompson is now the Operator of Record and we will no longer be paying \$ 250.00/month to for Mr. Grosse's license.
- Mr. Grosse will give complete utility report and an update of our facilities.