

**VILLAGE OF COMMERCIAL POINT  
COUNCIL MEETING MINUTES  
December 3, 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. Ms. Gooden-Kinney took roll call with the following members present: Mr. Shelton, Ms. Evans, Mr. Wissinger, Mr. Thompson and Ms. Gooden-Kinney. Engineer Grosse, Chief Jordan and Solicitor Hess were also in attendance. Mr. Cruz and Fiscal Officer Hastings were absent.

Ms. Gooden-Kinney made a motion, seconded by Mr. Wissinger to approve the November 5, 2012 Regular Council Meeting Minutes. All members were in favor with the exception of Ms. Evans who abstained. The motion passed. Mr. Shelton made a motion, seconded by Ms. Gooden-Kinney to approve the November 19, 2012 Special Council Meeting Minutes. All members were in favor. The motion passed.

**Administrative Reports:**

- A. Mayor's Report – please see attached
- B. Village Engineer's Report – Engineer Grosse informed Council the fence for the Walker Point walk path should be completed this week. Engineer Grosse asked the Street Committee to decide on a date when they could meet. Date to be decided and posted.
- C. Village Solicitor's Report – Solicitor Hess reported he had been working on a number of items for Council. 1) He had a meeting with Mr. Thompson, Chief Jordan and Mayor Hammond on a personnel matter. 2) He had briefly reviewed the proposed JEDD contract and feels he needs to review it in depth and have some questions answered before he can move forward with it. 3) He was asked to prepare an ordinance to make sure we were in line with the ORC when it comes to competitive bid projects. Ordinance is to be read later in the meeting. 4) He had been asked to determine if there would be a conflict of interest in the recommended candidate for Village Administrator. 5) He was asked to review the proposed resolution regarding rates for water/sewer for November as to be read later in the meeting.
- D. Police Department Report – on file in the office. Mr. Shelton asked if the tornado siren had been working properly. Chief Jordan said everything is operating as required and is being tested every first Wednesday of the month at 1:00 p.m.
- E. Fiscal Officer's Report – In Fiscal Officer Hastings absence, Mayor Hammond read the following report: General Fund - \$ 746,954.42; Street Construct. Main. & Repair - \$ 131,088.33; State Highway - \$ 13,500.29; Parks and Rec - \$ 3,875.00; Permissive Motor Veh - \$ 9,374.96; Housing Developments - \$ 15,676.53; Water Operating - \$ 1,178,228.17; Sewer Operating - \$ 942,748.80; Garbage Operating - \$ 13,118.27.
- F. Plant Superintendent's Report – Engineer Grosse reported Jim Muskera, Plant Operator had passed his Water Operator 1 test. Congratulations to Jim! Engineer Grosse said the plant is working OK. Having issues with foam at the WWTP and will be addressing this issue soon. Valves for the water plant are due in any time. The employees will be changing all of the valves at the plant. Engineer Grosse reported the hardness of the water is ranging between 130-140. Per the EPA, this is where we need to be.

**Legislative Reports**

- A. Legislative Authority Reports
  - 1. Vidal Cruz - Absent
  - 2. Nicole Evans – Nothing to report
  - 3. Kimberly Gooden-Kinney – Nothing to report
  - 4. Jason Thompson – Nothing to report
  - 5. Randy Shelton – Nothing to report
  - 6. Clarence Wissinger – Nothing to report

**Committee Action:**

- A. Utility Committee - Ms. Gooden-Kinney said they held a meeting on November 20, 2012 and some of the items discussed were the proposed resolution regarding rates for the water/sewer invoice for November usage, plant expansion in the near future and the possibility of tearing the water/sewer rates. Ms. Evans asked if tiered rates were even feasible with our budget. More investigating needs to be done on this topic.

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- B. Street Committee – Mr. Shelton reported the hot-patch paving had been completed on Walker Road/State Route 762 area, W. Scioto St. and in the area of the waterline break on Harsh Alley.
- C. Safety Committee – Nothing to report
- D. Finance Committee – Nothing to report
- E. Zoning Committee – Had a meeting on November 21, 2012. The Committee worked on the Zoning Book and they are to a point where they would like for Engineer Grosse and Solicitor Hess to attend the meetings. There are legal issues as well as engineer issues that now need to be discussed.

At this time, Mr. Scott O'Neil asked if any action was taken in front of Ms. Goldhardt's property at 5 Front St. Engineer Grosse said nothing at this time. This repair is on the priority list, however Council has yet to prioritize the list. Engineer Grosse has a video tape of the storm lines in that area that he would like to share with Council before moving forward with the list. Engineer Grosse said the catch basin is settling and needs to be repaired soon. Mr. Thompson made a motion, seconded by Mr. Wissinger to temporarily fix the drain in front of 5 Front Street until Spring when a complete repair can be done. Mr. Kuzelka informed Council that this has been an issue in front of Council for the past 5+ years and feels it needs to be completed before someone gets hurt. All members of Council were in favor of the motion. The motion passed.

Mr. Ralph Wolfe of Southern Point asked about the Utility Committee meeting that was held on November 20, 2012. He said several people from Southern Point showed up and the lights were off and the front doors were locked. He continued to say that 90% of the residents were angry with the quality of water they were receiving. He said the main concern is that the water is horrible and has a red tint when filling the bathtub. Mayor Hammond said any formal complaint that comes into the office is handled by Ms. Hastings contacting the Superintendent immediately and scheduling an appointment with the customer for our utility employees to come and take a sample of the water. The first thing the customer needs to do is call the office. Each customer is treated the same whether they live in Commercial Point, Southern Point or in the township and receive Commercial Point water. Mr. Wolfe asked if the water is tested only to EPA standards. Engineer Grosse said the main thing that is tested for is chlorine. Other items are tested as well, it all depends on what the complaint pertains to; color, smell, etc. Mr. Wolfe asked if the surcharge could be removed. He feels they are getting bad water and still having to pay the surcharge. Mr. Shelton said this was discussed at the last meeting. The loans the Village has are based on Village of Commercial Point residents only. Mr. Wolfe asked if the surcharge could be reduced. Some residents would rather receive a continued lower monthly rate than have a "credit" for one month. Mayor Hammond said the option of tiered rates is going to be looked at. He explained there is no "surplus" in the water or sewer funds. We have 2 loans that we are paying as well as a reimbursement agreement to Mr. Talbott. There is no "surplus". Mr. Allan Wingfield gave a sample of water to Mayor Hammond that was brown and cloudy. Mr. Thompson said he had the same complaints 6 months ago at Walker Point. He feels the new Superintendent has things under control and is continuing to do what he needs to do to make a quality product. Mr. Thompson challenged the residents of Southern Point to come back in 3 months with the same issues. He doesn't think they will have the same complaints in 3 months. Mr. Shelton explained the water softness procedure. When the water takes such a drastic change in hardness, particles from the main lines are released into the pipes. This will cause discolored water. The utility employees will be flushing the hydrants more often to help with the issue of discolored water. Engineer Grosse informed the citizens of the number to reach Ms. Hastings at the office. They should call with any complaints they have pertaining to the water. Mayor Hammond said the two most important items for him are the water quality and safety of our residents.

**Business Items:**

- A. Appointment of Village Administrator – Mayor Hammond sent out an email with the recommendation and resume for Ms. Debra Shelton as Village Administrator. Ms. Gooden-Kinney made a motion, seconded by Ms. Evans to accept Mayor Hammond's appointment of Ms. Shelton. Solicitor Hess said there was no conflict of interest on Mr. Shelton's part. He would not be able to vote on any matter dealing with Ms. Shelton's compensation as Village Administrator and will not be able to vote on her appointment. Mayor Hammond said this was recommended due to a conversation Mr. Cruz had with Mr. Shelton. There were questions on the number of votes needed to be considered a majority since Mr. Shelton could not vote. Ms. Evans asked if it was the majority of the members present. Solicitor Hess said no, it was the majority of the total number of Council Members and feels that this would take a total of 4 yes votes to be approved. Ms. Gooden-Kinney took a roll call vote on the motion – Mr. Thompson – No; Ms. Gooden-Kinney – Yes; Mr. Wissinger – Yes; Ms. Evans – Yes. Since there was not 4 yes votes, Ms. Gooden-Kinney said the motion failed.

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**Legislative:**

Resolution 12-2012 **A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A THREE YEAR CONTRACT FOR 2013, 2014 AND 2015 WITH RUMPKE FOR GARBAGE PICK UP IN THE VILLAGE OF COMMERCIAL POINT AND DECLARING AN EMERGENCY.** Mr. Shelton asked Solicitor Hess if he had looked into the timing issue with entering contracts. Solicitor Hess said that he had and case law shows you can enter a contract that extends past your term of office. Ms. Gooden-Kinney made a motion, seconded by Mr. Wissinger to suspend the three readings. A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes. The motion passed. Mr. Shelton made a motion, seconded by Mr. Thompson to adopt Resolution 12-2012 and declare an emergency. Mr. Thompson asked if there was a savings to the Village. Engineer Grosse said he didn't have the figures in front of him, but yes there was a savings. Mr. Thompson also asked about recycling. Engineer Grosse said that this was not part of the bid, but it could be looked into at a later date. A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes. The motion passed. Mr. Kuzelka asked about the green trash cans that many residents are using from Waste Management. Mayor Hammond said the same service will be given from Rumpke.

Resolution 13-2012 **A RESOLUTION TO RATIFY THE REALIGNMENT OF MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT FUND 1000-910-910 AND TRANSFER SAID MONIES TO THE OPERS FUND 1000-725-211.** Mr. Thompson made a motion, seconded by Mr. Shelton to adopt Resolution 13-2012. A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Abstained. The motion passed.

Resolution 14-2012 **A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT FOR BULK WATER CONDITIONING SOFTENING SALT, AND DECLARE AN EMERGENCY.** Ms. Evans made a motion, seconded by Ms. Gooden-Kinney to suspend the three readings. . A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes. The motion passed. Ms. Gooden-Kinney made a motion, seconded by Mr. Shelton to adopt Resolution 14-2012 and declare an emergency. A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes. The motion passed.

Ordinance 2012-18 **AN ORDINANCE AMENDING SECTIONS 226.02 AND 226.03 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT, RELATING TO CONTRACTS BY COUNCIL AND VILLAGE ADMINISTRATOR.** Ms. Gooden-Kinney made a motion, seconded by Ms. Evans to suspend the three readings. . A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes. The motion passed. Mr. Shelton made a motion, seconded by Mr. Thompson to adopt Resolution 18-2012 and declare an emergency. A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes. The motion passed.

**Legislative: Second Reading**

Resolution 11-2012 **A RESOLUTION TO WAIVE ALL WATER AND SEWAGE USAGE FEES FOR NOVEMBER 2012 AND BILLED DECEMBER 2012 FOR ALL VILLAGE RESIDENTS AND DECLARING AN EMERGENCY.** Ms. Gooden-Kinney made a motion to suspend the three readings. Motion died due to lack of a second.

**Legislative: Third Reading**

Ordinance 2012-16 **AN ORDINANCE TO AMEND SECTIONS 220.14 AND 228.14 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT OHIO, REGARDING MAYOR AND COUNCIL PAY.** Mr. Shelton made a motion, seconded by Mr. Thompson to adopt Ordinance 2012-16. A roll call vote was taken – Mr. Thompson – Yes, Mr. Shelton – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes. The motion passed.

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At this time, Mr. Thompson said he had spoken with Ms. Hastings pertaining to proposed Resolution 11-2012 and would like to have a meeting with Solicitor Hess before he makes any amendments to the Resolution. He would ask Council to agree with him and have a Special Council meeting before the COW meeting on December 17, 2012. Solicitor Hess informed Mayor Hammond that he could call a Special Council meeting. Mayor Hammond recommended a Special Council meeting to start at 7:00 p.m. on December 17, 2012 with the COW meeting immediately following. The Special Meeting will be posted.

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

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Joe Hammond, Mayor

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Wendy Hastings, Fiscal Officer