

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
October 7, 2013**

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. Cruz, Ms. Gooden-Kinney, Mr. Wissinger and Ms. Evans. Chief Jordan and Solicitor Hess were also in attendance. Mr. Shelton, Mr. Thompson and Engineer Grosse were absent.

Mr. Wissinger made a motion, seconded by Ms. Evans to approve the September 3, 2013 Special Council Meeting Minutes. All members were in favor. The motion passed.

Ms. Gooden-Kinney made a motion, seconded by Mr. Wissinger to approve the September 9, 2013 Regular Council Meeting Minutes. All members were in favor. The motion passed.

Administrative Reports:

- A. Mayor's Report - Mayor Hammond had no report.
- B. Village Engineer's Report – No report. Ms. Evans asked about the capacity letter that was to be sent to the Lehman Property. Fiscal Officer Hastings said she is waiting for an address of where to send the letter. Once received, the letter will be sent.
- C. Village Solicitor's Report – In regards to the golf carts, Solicitor Hess said we are authorized to allow carts on our Village streets. The question is are we allowed to authorize them on St. Rt. 762. In Solicitor Hess's review, he said they are allowed throughout the Village as long as the speed limit of the street is not greater than 35 mph. St. Rt. 762 doesn't reduce to 35 mph until you reach Cyrus Street and then speeds up once you pass the Scioto Township Building. The carts would be allowed on St. Rt. 762 while inside the Village limits. The only reason golf carts are not allowed on all of St. Rt. 762 outside of the Village, is because of the speed limit. Solicitor Hess said the Village has no jurisdiction once you pass Cyrus Street and the Township building heading out of town. As for the liability questions, Solicitor Hess said the Village would be covered under any ordinance that Council would pass. As it currently stands now, law enforcement has great discretion to enforce laws. Just because a law enforcement officer sees a cart on the streets and decides to not do anything about it, doesn't expose us to liability. If there is a policy by the Village to ignore or turn the other way, then we would be exposed to liability. If it is law enforcements discretion, then we are not liable. At this time, Solicitor Hess said on a non-legal matter, he attended the Commercial Point Men's Club golf outing. He said it was a great community event and put together very nicely by the Men's Club. Mayor Hammond said for the public information, at the present time, there is no directive that has been issued from him to the Police Chief regarding golf carts. Zero.
- D. Police Department Report – On file at the Municipal Office.
- E. Village Administrator's Report – No report
- F. Fiscal Officer's Report – Fiscal Officer Hastings gave the following report: Fund Balance's as of September 30, 2013 – General Fund - \$ 755,711.56, Street Construction Main & Repair – \$ 171,912.67, State Highway - \$ 13,172.77, Parks and Rec - \$ 3,875.00, Permissive Motor Vehicle – \$ 7,482.42, Housing Development - \$ 15,556.07, Water Operating - \$ 1,510,321.29 Sewer Operating – \$ 1,291,662.54, Garbage Operating - \$ 15,074.19.

Legislative Reports

- A. Legislative Authority Reports
 - 1. Vidal Cruz – Nothing to report
 - 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

At this time, Mayor Hammond opened the meeting for Citizens Comments.

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Mr. Scott O'Neil asked if the ADA (American Disability Act) receives a complaint regarding something not being compliant with the code, when does it have to be repaired to meet compliance, when reported or when it is up for repair. He said in Walker Point, Phase 1 and Phase 2 are different when it comes to the ramps. He said some have the patch at the end to note the road is near and other ramps lead to nowhere. Solicitor Hess said he wasn't sure. He said maybe they were approved once the phase was completed. He said he would need to look into it. Solicitor Hess said he would check with Engineer Grosse to see if anything can or needs to be done. Next, Mr. O'Neil asked for clarification from Mayor Hammond on the 30 day trial discussion that was held regarding the golf carts, between Mayor Hammond and Chief Jordan. Mayor Hammond said he had asked Chief Jordan for a recommendation as to what he thought needed to happen. Mayor Hammond didn't want to speak for Chief Jordan, however he said Chief Jordan said to leave things as they are for 30 days to see if any issues come up with the golf carts. Mayor Hammond's understanding was for the next 30 days, the police department would be observing the residents to see if anyone was out on the golf carts. Mayor Hammond said he gave no directive on anything pertaining to the police department. Mayor Hammond told Mr. O'Neil he could speak to Chief Jordan for more clarification if needed. Mayor Hammond said his only directive to the Police Department was a zero tolerance for DUI and speeding in school zones. Mr. Cruz asked if a policy, whether set by the Mayor, Administration or Council, is in fact a policy. With the Chief setting a policy to do nothing, is that not a policy for the Village. Mayor Hammond said it was a conversation. Mr. Cruz said it was a conversation that was now put on record, so it is a policy. Solicitor Hess said he hesitates to call that a policy since the police department has discretion in the Village. If the department sees something and decides to give a warning rather than a ticket, that is their discretion. Solicitor Hess said he wasn't speaking for Mayor Hammond or Chief Jordan, but he was hoping this was more of a conversation to focus our attention on more important things in law enforcement. Mr. Cruz was just concerned since it was mentioned at the last meeting, Chief Jordan giving his officers a directive to not do anything to someone who might be on a golf cart, as setting a policy. Mayor Hammond said he didn't know if Chief Jordan had told the officers that or not. Solicitor Hess said he understood the 30 day period was going to be used to observe the traffic pattern of the golf carts. Solicitor Hess said he remembered Mr. Cruz asking if modifications could be made to the regulations for golf carts. In his research for another Village, he found the answer to be no. However, there was a 2008 case that allowed modification on a case by case situation due to medical issues.

Mr. Jim Kuzelka announced there was a Meet the Candidate night scheduled for October 17, 2013 at 6:00 p.m. at the Community Men's Center. Doors open at 6:00 p.m.

Legislation:

Resolution 16-2013 – A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Ms. Gooden-Kinney made a motion, seconded by Mr. Cruz to waive the three readings. A roll call vote was taken: Mr. Cruz – Yes, Mr. Wissinger –Yes, Ms. Evans – Yes, Ms. Gooden-Kinney – Yes. The motion passed. Mr. Cruz made a motion, seconded by Ms. Gooden-Kinney to adopt Resolution 16-2013. A roll call vote was taken: Mr. Cruz – Yes, Mr. Wissinger –Yes, Ms. Evans – Yes, Ms. Gooden-Kinney – Yes. The motion passed.

Ms. Gooden-Kinney 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