

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
November 4, 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, Mr. Shelton, Mr. Thompson and Ms. Evans. Chief Jordan, Engineer Grosse and Solicitor Hess were also in attendance.

Mr. Cruz made a motion, seconded by Ms. Gooden-Kinney to approve the October 7, 2013 Regular Council Meeting Minutes. All members were in favor with the exception of Mr. Shelton and Mr. Thompson who abstained. The motion passed.

Administrative Reports:

A. Mayor's Report – Attached

B. Village Engineer's Report – Engineer Grosse had the following to report:

Tree Trimming – notices were sent to residents in the Village to trim the trees back that were along the roadway causing issues for the snow plows and school buses. The next step is to get a cost for a formal tree trimming. Payment for this is still up for discussion. Residents need to maintain.

New Wells – we are working on additional water supply at the present time. We have a few different property owners that we have been in contact with. Couple of different options at this time.

Ditches – several ditches need to be cleaned out. Have talked to a couple contractors and are awaiting cost and when the job can be completed. If this does not get completed in November, we will wait until the spring. These are the large drainage ditches in the Village only.

Street painting – stop bars and crosswalks are being placed in the Village. There are about 15 stop bars at a price of \$ 2,500 and 3 crosswalks with a cost of \$ 780. As for the center line on West Scioto St. The cost is \$ 2,000 per mile. This section is about ¼ of a mile, totaling approximately \$ 500 plus the cost of mobilization which is an additional \$ 500. Engineer Grosse said he has been unsuccessful in locating a picture or drawing showing the street from previous years to tell whether it was stripped or not. He recommends not stripping it due to the speed and the width of the street. A purchase order will be issued soon so that the work can be completed soon. Mr. Shelton asked if we would be charged for mobilization for the stop bars and crosswalks. Engineer Grosse said no because they will be using the smaller trucks. The West Scioto Street stripping would require the larger truck to be on site. Engineer Grosse said these prices are for painting on the streets and not the thermal plastic. Engineer Grosse said if Council wanted to use thermal plastic, the price would probably triple, but he didn't have an exact quote. Ms. Gooden-Kinney asked about school zone crossing being painted on the streets. Engineer Grosse said they would cost between \$ 250 and \$ 400. Engineer Grosse said he could find nothing saying we had to have these markings. He feels Council should consider placing one on W. Scioto St. He will have the price included in the purchase order unless Council objected. Ms. Gooden-Kinney feels one needs to be put on Grove Run Road at the entrance to the middle school. Engineer Grosse said he would look into it. Mr. Cruz asked if the paint would meet the reflectivity requirements. Engineer Grosse said it would. Mr. Thompson asked where the three crosswalks were located. Engineer Grosse said he would get Mr. Thompson a copy before they would proceed with the project. He did say they were primarily on the main streets. Engineer Grosse continued to say the stop bars are going to be placed on secondary streets that are coming out onto the main streets. This includes subdivisions streets coming out onto the main streets, ex. Welch Road, Walker Road and St. Route 762.

Bank property – Continual problems along the front of the bank. Since we have put new sidewalks in, we are having trucks and other vehicles continue to park along the side of the street. We are going to try and deter that by removing the gravel placing topsoil, posts and no parking signs along the sidewalk. We are waiting for approval from ODOT to place a fence up along the street to deter the parking. Engineer Grosse said this would probably start next week. Mr. Cruz asked if would start with just placing posts with no parking signs. Engineer Grosse said no parking signs will be part of the entire project.

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Street Patching – Several potholes need to be patched. Engineer Grosse is talking with Roesse Brothers for a price. He is in hopes of getting these patched before it gets to cold. Once spring comes, he would like to speak with the road committee on a few recommendations for next year. He feels the streets are in pretty good shape, except for a few pot holes we have now.

School Property – At the entrance to the middle school, people are driving around the closed gate in the evenings. We are going to be placing 6 concrete posts in the area to stop these people from driving around the gates.

Gathering Place – As Council suggested a few months ago, we are going to continue to receive the free dirt from the developers. We would like to have the mound of dirt shaped and a few pine trees planted by the end of this year. It all depends on how much dirt we receive.

Drain on Front Street – The casting needs to be completed as well as sealing the joints. The pavement is still being worked on. This will complete the project. Mr. Cruz asked if once this project is complete that means everything is clear downstream. Engineer Grosse said he would like to clear out the downstream. He doesn't know of any more broken pipe in that area. He said that it is a 36" pipe in that area and is hopeful to have it cleaned out in the spring. Mr. Cruz asked if the area that was repaired was the cause of the backup a little farther down on Front Street. Engineer Grosse said the existing pipe was cut off and capped and rerouted to connect to the drain that is on the North side of St. Rt. 762. Mr. Cruz asked if the pipe on the North side of St. Rt. 762 had blockages in it as well. Engineer Grosse said not that he knew of. Mr. Cruz questioned the line by Boggs Body Shop. Engineer Grosse said that was a separate line. Mr. Shelton asked if there were any lines where we were going to need to run cameras through. Engineer Grosse said the only one that he might think about doing is the main line that goes along Harsh Alley and through Walker Point. He would like to run the jet through it first to see if there are any problems and then move to the camera if needed. Mr. Cruz asked if the drainage issue around 15 Main Street was repaired. Engineer Grosse said changes were made to the drainage on the school property that could have corrected the problem. He wasn't aware of any recent complaints from the property owner.

Ms. Gooden-Kinney asked Engineer Grosse about the sidewalk ramps in Walker Point. She said the ones in Phase 1 and Phase 2 do not have the strips for the blind going across them as well as the ramps go to nowhere on the other side. Engineer Grosse said these were signed off on years ago, however he would look at the plans and see what was required. Ms. Gooden-Kinney then asked how to go about getting the house that the fire department burned for training, cleaned up. Mr. Kuzelka said the church is in charge of the cleanup. They have someone coming in very soon to start the cleanup.

C. Village Solicitor's Report – Solicitor Hess thanked everyone for the outpouring of support on the appeal that was filed on the proposed sludge lagoon. He said he received numerous phone calls and emails with supporting documentation on how other areas have dealt with this type of issue. He said as Mayor Hammond indicated in his Mayor's report, Mr. Struckman has informed the Village that his intent is to not build the lagoon. Mr. Hess said he is very appreciative of this action by Mr. Struckman. However, he cannot say this ends our argument. He said the permit was issued to Bio-Mass and not Mr. Struckman. He said it is the Village's intent to continue with the appeal. Council has a resolution ratifying the action done by Mayor Hammond for tonight's meeting. There is a preliminary hearing conference scheduled for November 19, 2013. This is a meeting with all parties involved to see if they can come to an agreement or resolution and not have to move forward with any further litigation. If there is no agreement between the parties, litigation would be the next step. Solicitor Hess said he hopes that once the lease expires between Mr. Struckman and Bio-Mass, Bio Mass will ask to have the contract revoked. Solicitor Hess said he will be speaking with the Township Trustees in regards to legislation with Council to help fight any future developments of this kind. He believes the trustees are in agreement with this fight. Solicitor Hess said he and Mayor Hammond have been in contact with our state representatives. Solicitor Hess is in hopes that the state can put pressure on the EPA to make public hearings mandatory on these types of projects. It is his understanding from researching on this issue, the EPA has procedures in place to issue a permit and then hold public hearings if they perceive an issue is going to arise. On this instance, they didn't think anything would come of it, so they just issued the permit without holding a public hearing. Solicitor Hess said he will be working with the state representatives to see what can be done to make these public hearings mandatory. He said working with the Township and the Village, we should be able to come up with some language that would give us some argument for a common pleas court to fight these future developments. Solicitor

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Hess said in speaking with the township, their Zoning Inspector, with the information he has now about the project, may consider this differently. It is Solicitor Hess' understanding that very minimal research was done on this project from the zoning stand point and approved on statements that were made to him. Solicitor Hess said we are working on legislation. If the EPA says Bio-Mass gets to continue with the project, we will fight that in court and do whatever it takes legally to stop this project from moving forward. Solicitor Hess said he is cautiously optimistic that the Village is moving in the right direction. He feels this is a done deal for Mr. Struckman in the sense that he doesn't want to move forward with the project. At this time, Solicitor Hess opened the floor for questions. Ms. Deb Breech asked if Mr. Struckman is leasing the property to a business for the placement of this lagoon, doesn't that become industrial and have to be zoned industrial? Solicitor Hess said that would be the argument that he would make in court if need be. He can't say at this point whether that would be a winning argument or not. There are still several questions that Solicitor Hess cannot answer without researching more into the project. Mr. Kuzelka said there was a piece of property that was being leased at Rickenbacker allowing port a johns to be dumped on site. This piece of property had to be rezoned as manufacturing property or the EPA would not approve of the permit. Solicitor Hess said our strongest argument at this point would be that the lagoon doesn't meet the zoning requirements. Ms. Evans asked if the contract between Mr. Struckman and Bio-Mass lapsed. Solicitor Hess said that is what Mr. Struckman was saying, however he has not had the chance to confirm that. Solicitor Hess said until he sees the permit being pulled, he will not stop moving forward with our fight against the proposed lagoon. Ms. Evans asked if this was something that would be decided on November 19, 2013 at the meeting. Solicitor Hess said either the EPA will come to an agreement with all parties involved or they will move forward with litigation. Solicitor Hess said if the intent of the EPA was to dissolve the agreement with Mr. Struckman, they would alert everyone before the meeting on November 19, 2013. To date, Solicitor Hess has not heard from anyone regarding dissolving of the agreement. Solicitor Hess said Mr. Struckman told him he was unaware that the application for the permit was submitted by Bio-Mass. Another argument that could be made are the documents that were submitted to the EPA for the permit do not match. Some say east of Matville Road while others say west of Matville Road. Mr. Kuzelka asked if the Village could request a written statement from Mr. Struckman saying that he is not moving forward with the project. Solicitor Hess said yes. Ms. Evans asked if we could request a copy of the contract. Solicitor Hess said if it goes into litigation, absolutely those are documents that we would be entitled to. Mr. Wissinger asked who the appeal was sent to. Solicitor Hess said the appeal was made to ERAC, Environmental Review Appeals Commission. Mr. Shelton asked if the meeting was open to the public. Solicitor Hess wasn't sure. The location is 77 S. High Street, 17th Floor, Columbus Ohio in the Hearing Room. Solicitor Hess said he would inquire whether that was an open meeting for the public. Mr. Cruz asked what the ERAC will rule on. Solicitor Hess said the sole purpose of the meeting is to make sure the permit was properly issued and was the process followed correctly. Did they comply with all of the rules? Ms. Evans asked if there were any other appeals submitted. Solicitor Hess said Berger Hospital and Westport Homes (Chestnut Estates) both filed. All parties who filed an appeal will be at the meeting on November 19, 2013. Again Solicitor Hess thanked everyone who has been involved. He said it was nice to see the community come together to fight this.

Solicitor Hess informed Council that he had a meeting last Wednesday with Engineer Grosse and Administrator Shelton regarding the closing of alleys in the Village, tree trimming and other miscellaneous items. He said they are waiting on Council's approval before they can move forward or kill the issue when it comes to the alleys. Ms. Gooden-Kinney said on behalf of the residents living at 34 Main Street, she would like them to have access to the back of their property via Oak Alley. She said the resident built the home with the understanding that she would have access to her storage building in the back. Ms. Gooden-Kinney's recommendation is to block off the south entrance of Oak Alley off of South Alley and leave the north entrance off of Brown Street open. She also recommends closing Oak Alley between Hickory and Congress. Solicitor Hess confirmed that Ms. Gooden-Kinney was looking for a partial closure for Oak Alley between Brown and North Alley. Solicitor Hess asked Engineer Grosse for his recommendation. Engineer Grosse recommends closing all of the alley way or fixing all of the alley. He does not agree with closing ½ of the alley. There are certain standards that have to be maintained, for example how would someone turn around on an alley that is only ½ opened. Mayor Hammond said his understanding is this piece of alley has never been used as an alley. He asked Engineer Grosse for a price to fix the alley. Engineer Grosse said if gravel is being used, approximately \$ 25,000. If Council wants to pave the alley the cost would be approximately

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\$ 35,000. Mr. Shelton asked if the \$ 35,000 would cover the cost of replacing the culvert. Engineer Grosse said it did. Mr. Shelton said this is not something to do now. He recommends putting this in the hands of the Street Committee for next year. Ms. Gooden-Kinney suggested speaking to the residents in the area and see what their thoughts are. Mr. Shelton said the safety concerns of people traveling on the culvert, if that is the decision Council so chooses, is the most important thing right now. The second would be to make sure the alley is up to code with the other alleys in the Village. Ms. Gooden-Kinney asked Engineer Grosse why we couldn't just put in a gravel alley. Engineer Grosse said that is what he mentioned before at the \$ 25,000 price. He said it would be the only gravel alley in the Village. Solicitor Hess said if Council chooses to repair the alley and open it for business, we are then responsible for the up keep going forward. Ms. Blevins asked if it could be left the way it was. She said she is the only one that is land locked. Her thinking was no one was using it before they moved in, why make any changes to it at all. Solicitor Hess said allowing Ms. Blevins to drive on the alley, opens the Village up for a potential lawsuit. He said a citizen can file a mandamus against us for the failure to up keep our alley. Here is an alley that is not being maintained and you, as the Village have a responsibility to take care of it. Mr. Cruz asked if the Village could give Ms. Blevins an easement and tell her she would have to maintain it. Solicitor Hess said that could possibly be an agreement that could work. Ms. Blevins said they would only use the entrance off of Brown St. Solicitor Hess asked Ms. Blevins if she felt her neighbors would allow granting her the easement. Ms. Blevins said she wasn't sure. She said she has temporary permission from a neighbor behind her that is allowing her to come across his property to get to her storage building. Mr. Thompson asked if the Village could sell the alley to Ms. Blevins. Solicitor Hess said he didn't think that could happen but would have to look it up. Solicitor Hess said no decisions have been made at this point. This has been an ongoing conversation for the past several months and will continue into the next year.

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 October 31, 2013 – General Fund -\$ 765,756.01, Street Construction Main & Repair -\$ 176,907.77, State Highway - \$ 13,577.36, Parks and Rec - \$ 3,875.00, Permissive Motor Vehicle -\$ 7,482.58, Housing Development - \$ 18,556.07, Water Operating - \$ 1,557,492.13 Sewer Operating – \$ 1,344,850.82, Garbage Operating - \$ 15,240.84.

Legislative Reports

A. Legislative Authority Reports

1. Vidal Cruz – Nothing to report

2. Nicole Evans – Nothing to report

3. Kimberly Gooden-Kinney – Ms. Gooden-Kinney asked for an update on the ponds at Walker Point. Mr. Thompson said they were cut today. Ms. Gooden-Kinney said on the social media, she saw November 16, 2013 is scheduled as a clean-up day for the Village. She would also like to clarify with Mr. Sadler that there has been no resolution or ordinance passed approving a gazebo in the amount of \$ 80,000. Mr. Sadler said there is proposed numbers in the August meeting minutes. Mr. Cruz said there was an initial proposal from Engineer Grosse in the amount of \$ 80,000 for the gathering place. He feels all of Council was shocked at this amount. Mr. Cruz said roughly \$ 40,000 was for concrete work that Council was not prepared to approve at this time. It was just an initial proposal with what could be done on this piece of property. There was a motion made to do nothing but accept the free dirt and excavation hours and get the area cleaned up at this time. Mayor Hammond said we just asked Engineer Grosse for rendering on what could be done on this property. He continued to say \$ 25,000 was set aside for this year project in this year's budget. He said \$ 15,000+ was spent on the fence on the walk path at Walker Point. There is \$ 9,000 left to spend if Council chooses this year. The decision was made to accept the dirt and free labor hours at this point and time. Mr. Thompson said the rendering that was presented to us, with options, was in the \$ 80,000 dollar amount. Council decided it was too much and were not going to move forward at this time with spending this kind of money. Mr. Cruz said he had hoped the money for the trees can come from the Parks and Rec fund. Mayor Hammond said yes. Ms. Gooden-Kinney apologized to Mr. Sadler for misreading his pamphlet that he put out while running for Council. Ms. Gooden-Kinney thanked Administrator Shelton for reminding the candidates to move their election signs before Election Day.

4. Jason Thompson – Nothing to report

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5. Randy Shelton – Nothing to report
6. Clarence Wissinger – Nothing to report

At this time, Mr. Scott O'Neil addressed Council on a few items. Mr. O'Neil started off with his opinion of our Village Administrator posting on the Facebook Forum on a site that is ran by an individual in the Village. He feels she is posting stuff that isn't true. He doesn't feel that it is proper, professional or a good idea. A few examples were given, 1) two boys with a weapon at Chestnut Estates. He feels it made the Police Department look like they were not doing their job. It said the boys were not charged, which was not true. 2) Chief Jordan thanked everyone via Facebook for the way they acted at the meeting that was held at the middle school regarding the sludge lagoon. Mr. O'Neil felt Mr. Hess had control over the meeting and everything went as to be expected. Mr. O'Neil said right off the bat, Administrator Shelton responded by saying, "It was your job to control that and it didn't happen. But no I don't think you did enough to contain it." Mr. O'Neil said our Village Administrator is writing on a public forum criticizing our Chief of Police. He said she is not the Chief of Police's supervisor and in no shape or form, in control of him. Mr. O'Neil continued with saying another post had to deal with Administrator Shelton saying, "His job is crowd control. Crowd control involves removing hecklers, and he was a heckler. You remove the first offender and others don't happen. Adam should have removed him at least the 10th or 11th time. That is his job. That is what he was there to do and he didn't do it." He feels our Village Administrator has no police training but yet she wants to criticize on how he does his job. Mr. O'Neil feels when you have a room that full of people, you can't remove one or two people who have outbursts without causing a riot. Mr. O'Neil asked Solicitor Hess if he had discussed with Chief Jordan how they were going to handle any issue that may come up. Solicitor Hess said he did have conversation with Chief Jordan and the other law enforcement officers that were there. They had asked him to direct them if he felt anyone was out of control. Solicitor Hess felt it was his responsibility to control the meeting with law enforcement taking their lead from him.

Mr. O'Neil spoke of another post that was written on the Southern Point Forum. He feels Administrator Shelton lied to a resident. He quoted a comment that was to Mr. Larrisey on the Forum. "I am the Village Administrator and I am willing to discuss your complaints with you." Mr. O'Neil continues to say that this was a comment regarding the idea of offering free water that was made by Mr. Thompson. Mr. O'Neil said Administrator Shelton was saying it was wrong of Mr. Thompson to even propose the idea. He doesn't feel that is the Administrator's job. In the same post, Mr. O'Neil feels Administrator Shelton lied again stating the WWTP and the General Fund monies do not co-mingle. That part of the statement was true. The next part where she said the Municipal Building was paid from the General Fund and no monies from the WWTP were used, and therefore told this gentlemen that no monies that he contributed were used. Mr. O'Neil said this was a lie. He stated 50% of the monies came from the General Fund, 25% from the Water Fund and the remaining 25% from the Sewer Fund.

Mr. O'Neil feels electronic communication, emails and paper communications dealing with Village business are considered public records. Mr. O'Neil asked Solicitor Hess if Facebook posts dealing with Village business are posted, are they then public record. Solicitor Hess said yes. Mr. O'Neil feels we have posts that are being made on a privately ran forum by our Village Administrator, and are then being deleted. Mr. O'Neil asked who was in charge of keeping these records and making them available for public inspection. He feels if there is no one available to do this job, then the postings should stop.

Another topic Mr. O'Neil discussed was a local Life Scout looking for a project to help his community and also obtain his Eagle Scout status. At this time, Mr. Cruz recused himself from the table due to conflict of interest. Mr. O'Neil continued and said this Scout was offering his help on the proposed improvements to the center of town. Mr. O'Neil said within thirty five minutes of the post being posted by this boy's Mom, Village Administrator Shelton declined this request. Mr. O'Neil doesn't feel the Administrator is authorized to make those decisions. He feels the decision should have been made by the Council. He feels if she felt the need to say anything, she should have instructed them to attend a Council meeting and bring the idea up to Council. Mr. Cruz returned to the Council table.

Another topic Mr. O'Neil brought up was the Village website. He said the Village has spent a lot of money and time and it should be updated. He said the last minutes that are posted are from March 2013. He feels the job of keeping the website up to date is the responsibility of the Village Administrator. He feels our website should be where information is entered to keep our customers up to date. He said seven months of not being updated is not right. He feels she is being compensated to do this since it is her responsibility, and she is not following through. He said only after he sent an email to Mayor Hammond on October 30, 2013, was the website up to date.

Mr. O'Neil said on February 4, 2013, there were minutes detailing that Administrator Shelton had been working on several items. Website is up and running, record retention, pricing on document management programs, reviewing of documents that are sent to the State, email guidelines are being established, online bill pay and looking into getting all documents scanned into a network are all items that were on the list. Mr. O'Neil said he has read all of the minutes since this meeting and only a few of these items have been accomplished and if they have been they have not been discussed in the meeting minutes. Again, Mr. O'Neil feels we are paying her and nothing is being done.

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On May 6, 2013, Mr. O'Neil reported a stop sign at the intersection of Hickory and West St that was faded and needed to be replaced. This still has not occurred. Mr. O'Neil feels this is a responsibility of the Village Administrator and again she is not doing her job.

Mr. O'Neil feels she has time to post on Facebook, proper or improper, but she does not have time to do her job properly. He addressed Mayor Hammond and said, "Mr. Mayor, I believe you are her direct supervisor, I am requesting you officially and formally make sure she is doing her job 100%, and if not, I think you should be held accountable for her actions."

At this time, Mayor Hammond responded to several of Mr. O'Neil's concerns. He said there are some pretty serious allegations. As for the website, he said there was money paid but no website up and running for 2 years when he came into office. He said he was without a Village Administrator for a year. He said there were people sitting in the position with the title, however no physical work was being done. Mayor Hammond said Council approved by recommendation by a Council member, and Ms. Shelton was brought on board. Mayor Hammond said Ms. Shelton has worked diligently on things he doesn't know how to do, ex. Facebook. Mayor Hammond said Administrator Shelton receives \$ 4,000 per year and knows she is putting in a lot of long, hard hours because he is working with her. He said they might not be working on things that Mr. O'Neil feels are important, however they are working on things for the Village. He said Administrator Shelton has the website up and running. Mayor Hammond told Mr. O'Neil that he appreciated him bringing up the fact that things weren't updated on the website. Mayor Hammond forwarded the information onto Administrator Shelton and the updates were completed the next day. Mayor Hammond continued to say that an apology was formally given in writing and in person to Chief Jordan and Mayor Hammond from Administrator Shelton. If Mr. O'Neil wanted proof, he was to speak with Chief Jordan. He agreed with Mr. O'Neil that putting the comments on social media was wrong. Mayor Hammond wanted to make it clear to Mr. O'Neil and the rest of the public that was in attendance, he is out working daily. He does respond to all email and phone calls that he receives. Mayor Hammond continued to say that within the last week and a half, he has asked Administrator Shelton to post things on the social media for him stating that it was approved by the Mayor. He said the only time that something was posted where the "approved by Mayor" clause was left off was the first post regarding the lagoon. Mayor Hammond said the information was also posted to the Village website. Mr. O'Neil said if the website is not updated, no one wants to go to it.

At this time, Village Administrator Shelton responded to Mr. O'Neil. She said the police issue from Chestnut Estates that she posted on Facebook was copied from another resident from Chestnut Estates. Administrator Shelton said as for the funding of the Municipal Building, she was under the impression that all of the money came from the General Fund. She said that is what she had been told along. If that wasn't true, then she said she misspoke. She told Mr. O'Neil that she doesn't lie to anyone and does not do it intentionally. Administrator Shelton told Mr. O'Neil if he has a problem with what she is doing, he can go to her and speak with her. She said the website was updated, however there was a setting that wasn't turned on in the administrator section and therefore no one could see the documents she posted. She said she had everything updated and makes sure that every announcement is on the site. She said she does this work for free, on her own time, sometimes at midnight. She has a full time job as well as this job is now full time and she is sorry if she had missed this setting. Ms. Shelton continued with responding to the Eagle Scouts. She said the child is probably about 14 years old and a child. She said for a child to assume project management of a large project, she feels it is not a good thing. Ms. Shelton said she did offer for him to shadow and possibly work on other projects such as constructing dugouts for the ball fields or helping with other beautification around the Village. When Mrs. Cruz responded back, "Never mind, that is not what he wanted" Administrator Shelton responded back by saying she wasn't sure what he was looking for, but if she could explain what he was looking for, maybe we could get him involved with a different project for the Village. Administrator Shelton said she never received a response back from Mrs. Cruz, however could tell that she was angry by her previous post. Administrator Shelton said she deleted her comments and let it go. She said her offer still stands today, if the child would like to shadow any projects we are doing in the Village to gain his Eagle Scout title, she would never turn away a child. Mr. O'Neil said he feels this is not something that should have been decided on by the Administrator. Administrator Shelton disagreed and said she is the Administrator and that it part of her responsibility. She is offering to help the child anyway she can. She continued to say she is a construction project manager and if he would like to shadow her, she would help him.

At this time, there was discussion again on whether or not postings on Facebook were public records and who was responsible for the record keeping.

Next item discussed was the upkeep of the website. Again Administrator Shelton said she forgot to turn on a setting that allowed the updated information to be viewed on the site. She said she the software was new to her and it took her about a week on her own time to get it figured out. She said she saved the Village time and money by doing this on her own. She apologized for not checking the "public" view box on the administrator side of the software. She told Mr. O'Neil if he had been looking at the Village website on a monthly basis and alerted her sooner, she could have taken care of the issue long before now.

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Mr. O'Neil said the next item he wanted addressed was the list of items from the February 4, 2013 minutes. Administrator Shelton said these were all internal items that are being worked on between herself and Wendy. She apologized for not telling Mr. O'Neil.

The final item from Mr. O'Neil was the stop sign. Mayor Hammond said he would take full responsibility for the signs. For the past 22 months, he has been the sign man. Mayor Hammond said if there is a stop sign damaged or missing, he will take care of it by next Monday.

Mr. O'Neil asked Mayor Hammond, being that he was Administrator Shelton's supervisor, if he would look into some of the items that were mentioned tonight. Mayor Hammond said he is involved and wants to defer this conversation to Solicitor Hess.

At this time, Solicitor Hess addressed some of the items that were previously discussed. Solicitor Hess said he has been with the Village since November of 2012 and is also the Solicitor for a few other Villages as well. He said to the work ethic of this Council and Administration, everyone is getting their monies worth. He continued to say everyone including Council, Mayor Hammond and Administrator Shelton put in a lot of hours trying to make this a better Village. We might not always agree as to what will make it better, but these people are doing what they think will make it better. He said there is a lot of passion. When passion about a project happens, we get these types of things with Facebook. He continued to say that he doesn't like Facebook. He doesn't participate on Facebook and would prefer his clients not use Facebook because he feels it is a public record. We are in the process of getting a records retention plan which has been approved by the Ohio Historical Society. Solicitor Hess said from the seminars that he has attended for public attorneys like himself, the technology is moving fast. He said by reading the statutes, Facebook would fall under a public record. He continued to say that emails, voice mails and text messages also fall under public records. He said that several Villages and other entities are struggling to find a way to capture all of that and make it available to the public when requested and make sure we are not violating any rules. Solicitor Hess said Mayor Hammond had asked him before about guidelines regarding Facebook. He said some villages have accepted certain guidelines regarding participation from their employees on social media. He feels we need to look into these as to how our employees should respond to the social media. He would prefer we don't criticize ourselves on Facebook. Solicitor Hess feels it is good to have an open dialog with our residents in allowing them to bring issues to Council. Moving forward, we will address the social media and figure out how to handle it. He feels there are going to be things that Council does not agree on. Mr. O'Neil asked Solicitor Hess if he had a recommended course of action until the policy is put into place. Solicitor Hess said his wish is that no one would use Facebook. If we are going to use it, he asked that the comments are factual issues and not opinions. Mr. O'Neil asked if there was going to be a response to the people in Southern Point regarding the misinformation they received. Mayor Hammond or Administrator Shelton will post to Facebook a response regarding the false information given on how the Municipal Building was paid for. Mayor Hammond said he prefers phone calls or talking face to face. He said he has no control over what someone does as an individual in their personal life. Mr. O'Neil said he did not ask Mayor Hammond to do that. He just wants him to watch over the work related items and make sure things are factual and not opinions that are being posted. Administrator Shelton said she would contact the gentlemen from Southern Point and that she also publicly apologized to Chief Jordan via Facebook, tried to call him, sent him an email and finally tracked him down and apologized in person. She said she still believes he could have done a little more, but yes that is her opinion. She was frightened by the tone and things the man was saying behind her during the meeting regarding the lagoon and just felt something needed to be done. She said she waived her hand to say help, but got no response from the law enforcement. She said that upset her as a citizen that she received no response.

At this time, Ms. Deb Breech addressed Council. She thanked Mayor Hammond and the rest of Council for allowing her this time. She introduced herself and said that she lived on Main Street and has been her since 2001. She would like to see if an official legally binding communication agreement with the Council can be put into place. She will also be making the same request to the Township. She said the sludge pond was a huge, alarming, last minute surprise for all of us. She said she felt like it had been kept as a secret from us. Basically, with the current technology and social media that we have these days, Ms. Breech feels we can have better communication between Council and the residents. Ms. Breech was unaware of the Village website. She feels this needs to be communicated to the residents. She said it was brought to her attention that there was no way to communicate with Council via the website. Ms. Breech feels the Commercial Point Forum on Facebook worked extremely well in getting information out regarding the sludge pond just by the response at the public meeting held at the middle school. She just wants to see if there is a way to get a communication plan in writing that is legally binding, not just posting in newspapers which she feels are becoming obsolete. She suggested email distribution lists and broadcasting telephone services as a way to get information out to our residents. Ms. Gooden-Kinney asked if we could send notice out with the water bills regarding our website. Fiscal Officer Hastings said a notice was on the bottom of the water bills for 2 consecutive months once the website was up and running officially. Mr. Shelton feels an additional slip of paper included with the water bills, will get more attention of our customers than just the notice on the bottom of the bills. Mr. Shelton continued with a

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suggestion of looking into the reverse call services. Mayor Hammond said this is already being looked into. More information will follow.

Ms. Breech said the bottom line is this, most of our governing bodies have lost trust due to non-communication. Tired of surprises, tired of secrets and we need to move into the 21st Century and rebuild the trust. Solicitor Hess said maybe there is a good thing that will come out of the sludge pond. There are people coming to meetings and getting involved. He said his fear is, once the concerns regarding the lagoon are gone, are people going to continue to come to the meetings and keep themselves informed. He continued and said these meetings are posted and we do have a website for people to view for information. His challenge to the citizens, is to come to the meetings and stay informed of what is going on.

At this time, Mayor Hammond asked if there was any additional business. Mr. Jim Kuzelka stood up and addressed Council regarding the Facebook postings. Mr. Kuzelka feels if items are going to be placed on Facebook, they need to be researched and done right. He said everyone that is involved with Council are professional people. He feels we need to be professional in the Council and Administration positions as well. He feels the comments made regarding our police department on Facebook, was not professional. Mr. Kuzelka continued to say that the job responsibilities of the Village Administrator are listed in the ORC Section 735.273. He agrees with Administrator Shelton that it is a full-time job, however can't use that as an excuse. He said if you can't handle the job, you need to get out. Mr. Kuzelka said you can't expect citizens to believe or respect you if you are always apologizing for what you have done or said. Mr. Kuzelka addressed the new people coming on Council as well as the others involved, be cautious about what you say. It is very important to think before you put things on a website. He would recommend using our Village website instead of Facebook.

Legislation:

Resolution 17-2013 – A RESOLUTION RATIFYING THE MAYOR'S DECISION TO APPEAL THE FINAL ACTION OF THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY ISSUING A PERMIT TO INSTALL A SLUDGE STORAGE LAGOON, AND DECLARING AN EMERGENCY. Ms. Gooden-Kinney made a motion, seconded by Mr. Thompson to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes, Mr. Cruz – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes, Mr. Thompson – Yes. The motion passed. Mr. Shelton made a motion, seconded by Ms. Gooden-Kinney to adopt Resolution 17-2013 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes, Mr. Cruz – Yes, Mr. Wissinger – Yes, Ms. Gooden-Kinney – Yes, Ms. Evans – Yes, Mr. Thompson – Yes. The motion passed.

At this time, Ms. Gooden-Kinney made a motion, seconded by Mr. Thompson to adjourn the meeting. All members were in favor. The meeting adjourned.

Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer