

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
July 7, 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. Fiscal Officer Hastings 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 also in attendance. Mr. Wissinger was absent.

Mr. Sadler made a motion, seconded by Mr. Shelton to approve the June 2, 2014 Regular Council Meeting Minutes. All members were in favor. The motion passed.

Administrative Reports:

A. Mayor's Report – Mayor Hammond said he would give his Mayor's report at the July COW meeting.

B. Village Engineer's Report – Engineer Grosse said the paving project will start on July 9, 2014 with work to be completed by July 23, 2014. The test wells at the Lehman Farms property are scheduled to start July 28, 2014. Once they get the test wells done, the findings will be reviewed and a determination will be made as to the acceptability of the aquifer which will verify if we have the quantity that we are looking for. Assuming we get the amount of aquifer that we are looking for, the next step will be to drill permanent wells. This will happen in mid to late August. Once the 48 hour pump test is complete and the wells are producing what we need, we will then sign off on a contract with Lehman Farms to acquire that piece of property. Engineer Grosse said he had met with the paving contractor and discussed some additional work that the Village Council wanted done including potholes on West Scioto, Walker Road, crack sealing in the parking lot, etc. The estimated cost is \$ 15,200.00. Engineer Grosse said even with this additional work we are still under budget. Engineer Grosse recommends approving the change order. Mr. Shelton made a motion, seconded by Mr. Geiger to accept the change order. Ms. Evans wanted to make sure all of the recommendations the Road Committee were included in the change order. Mr. Laxton said they were. Engineer Grosse said the sink hole on Adrien Court is not included at this time. Mr. Shelton asked if there were any more repairs to be done at Genoa Crossing. Engineer Grosse said the repairs are included in the change order. A roll call vote was taken: Mr. Shelton – Yes, Ms. Evans – Yes, Mr. Sadler – Yes, Mr. Geiger – Yes and Mr. Laxton – Yes. The motion passed. At this time, Mr. Geiger asked for an update on the pole placement on Grove Run Road by the gate that goes back to the school. Engineer Grosse said he was still researching on whose property is whose in that area and will then make a recommendation at the COW meeting.

C. Village Solicitor's Report - Solicitor Hess said there were two pieces of legislation in front of Council tonight. One is for the transfer of funds for the Sheriff contract and the other is to disband the Commercial Point Police Department. Solicitor Hess said he would like to give some of his time to Chief Jordan. Chief Jordan said he appreciates everyone coming to tonight's meeting to voice their concerns. Chief Jordan said he and Mayor Hammond had a discussion regarding the police situation today. He also had a discussion with Sheriff Radcliff regarding the same issue. Chief Jordan said as of today, he is the only working officer for the Village. He said he is working 30 hours a week trying to accomplish law enforcement jobs as well as be a Chief and it has been very difficult. He said Council entered into a short term agreement with the Sheriff. He said Sheriff Radcliff called him and said he had no long term intentions and was just trying to help the Village out. Chief Jordan said Sheriff Radcliff has had conversation with the Village about doing a more permanent police protection contract. He said if this permanent contract goes through, the Sheriff has requested Chief Jordan to come and work for him and be the Sheriff Deputy assigned to our Village. Chief Jordan expressed that he really would like to work in the Village. He has been here for 12+ years, starting out as an auxiliary officer then moving up to Chief. Chief Jordan said there are a lot of resources that the Sheriff's department has that we do not. Detectives are available if needed. Chief Jordan said we use them now if needed. Chief Jordan said Sheriff Radcliff did offer a permanent contract and he doesn't feel that it is a bad deal. Chief Jordan said Sheriff Radcliff is not shooting for him to lose his job, but has offered him a position with the Sheriff. Chief Jordan said it is not a done deal. He said Mayor Hammond assured him, they were looking at what was best for the Village. Chief Jordan reiterated that police protection would not be going away. Council was just trying to figure out the best options for the Village as far as coverage was concerned. Solicitor Hess gave a little history of the police department for Commercial Point. Up until July 2011, we had one officer working 20 hours a week

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES**

July 7, 2014

and getting paid. Starting in July 2011, we increased our coverage to include 2 officers working 30 hours a week for a total of 60 hours of coverage. In July 2013, we increase again to 3 officers working 30 hours a week for a total of 90 hours of coverage. Solicitor Hess said we have a few ongoing issues with the department. He said Chief Jordan has a few candidates to fill the open positions, however the Administration has not reviewed these candidates. Solicitor Hess feels the best way to get back to our 90 hours of coverage is to contract with the Sheriff's office. Solicitor Hess said the Sheriff in no way, came to the Council to get rid of the Police Department. If this was a finalized contract, it would be for one year. If the Sheriff wanted to raise the rates or new Council members come on board and want to make changes, the contract could be reviewed at that point. There are a lot more discussion that need to take place between the Village and the Sheriff's office. Tonight, the ordinance is up for first read. The second reading will be had during the Special Meeting before the COW on July 21, 2014 with the final reading and vote to take place in August. Ms. Evans wanted to make sure that we do have an agreement with the Sheriff's office now that during the hours our officers are not present, the Sheriff's office is on call. Solicitor Hess said whether we had a department or not, that is part of the Sheriff's responsibility because we are in the County. Solicitor Hess said with the temporary contract we have now with the Sheriff's office, we have 60 hours of coverage that are dedicated to Commercial Point only. Ms. Evans felt it was important for the residents to understand, we are not reducing the amount of coverage for the Village, just who is supplying the coverage. Mr. Sadler asked if we have received any costs from the Sheriff yet. Solicitor Hess said he spoke with the Sheriff today, however no firm amount. Mr. Shelton said those discussions will take place in the next 30 days. Mr. Laxton asked Chief Jordan if he feels the move to a permanent contract with the Sheriff is a good decision. Chief Jordan said as it stands now, he is the only working officer for the department, however he did interview some candidates to fill our open positions. Mr. Laxton asked Chief Jordan if Council chooses to go with the Sheriff department only, would he want to work our area. Chief Jordan said Sheriff Radcliff asked him to come and work for him if Council chooses to disband the department. Chief Jordan told him he would because he needs a job. Mr. Geiger asked how many hours Chief Jordan would be working for the Sheriff. Chief Jordan said 30 hours. Mr. Sadler asked Chief Jordan if there was an offer from the Sheriff, outside of the contract. Chief Jordan said there wouldn't be a position for him with the Sheriff's office if we do not contract with them. Mr. Geiger asked Chief Jordan if he would need any additional training to become a deputy. Chief Jordan said he trains their deputies on OPATA stuff, so no additional training is necessary. At this time, Officer Kelly addressed Council. He said he has been out on medical leave but will be getting cleared shortly. He said he works for \$ 12.00 an hour which is cheaper than a deputy. He said the reserve officers work for \$ 50 a month. He hopes Council takes this into consideration when they make their decision. He said while it is fortunate for Chief Jordan to have another job to go to, he and a few other officers have nowhere to go. He said he has been here since 2008 and likes the Village. Thanked Council for their time. Chief Jordan said his officers getting other positions is his biggest worry. He feels he has good officers and knows their work ethics. He asked Council to look at both pros and cons. He said as of right now, having only one officer, we would be better served by the Sheriff's office.

D. Fiscal Officer's Report – Fiscal Officer Hastings gave the following report. Fund balances as of June 30, 2014 are General - \$ 954,793.70; Street Construction - \$ 177,329.35; State Highway – \$ 13,562.81; Parks and Rec - \$ 2,908.57; Permissive Motor - \$ 7,483.79; Housing Development – \$ 11,676.07; Water Operating - \$ 1,806,277.33; Sewer Operating - \$ 1,630,224.66; Garbage Operating - \$ 17,837.70

E. Village Administrator's Report – Nothing to report

Legislative Reports

A. Legislative Authority Reports

1. Randy Shelton – Nothing to report
2. Nicole Evans – Nothing to report
3. Clarence Wissinger – Nothing to report
4. David Sadler – Nothing to report
5. Mark Geiger – Nothing to report
6. Brad Laxton – Nothing to report

Mayor Hammond asked if there were any citizens who wanted to address Council. Mr. John Capretta said after hearing everything he heard tonight, Council should do the man a favor and contract with the Sheriff's department. He is in favor of abolishing the Police Department. He feels the Sheriff's department can give us very good protection and

VILLAGE OF COMMERCIAL POINT COUNCIL MEETING MINUTES

July 7, 2014

has a lot of resources that we can benefit from. He likes the idea of having the one year contract that can be reviewed every year. He thanked Council and told them he feels they will make the right decision.

Ms. Kim Gooden-Kinney informed Council of an incident that happened after the Homecoming event. She said someone drove over a water valve box and broke it. She called in and reported it to the office. She feels if the poles would have been in place around the gate, this wouldn't have happened. Ms. Gooden-Kinney said she was just told that if we disband the police department, we couldn't bring it back within 3 years or we would have to bring back the officers that were here when we disband. She said someone told her that Administrator Shelton said this to be true. Administrator Shelton said she did not say that, however she did look it up and if we reform a department within 3 years, we do have to offer the officers a position. Ms. Gooden-Kinney said she worked very hard to set up the police department. She said she knows there have been issues with some of the staff. She said she is against the abolishment of the department. She feels there isn't going to be a deputy sitting and watching for speeders during school hours or making sure someone doesn't drive around the gates when they are closed. Ms. Gooden-Kinney asked where the funds will go from the citations. Solicitor Hess said there would be no reason for us to have Mayor's Court in the Village if we don't have a department. He said he wasn't sure if the Village would get any portion of the fine money since the citations would be written under State code. Ms. Gooden-Kinney said being that she had set on Council before, she would never vote on something without seeing a contract first. Mr. Shelton said Council was not making a decision tonight. It was up for first reading only. Ms. Gooden-Kinney asked about the budget. She wanted to know what happened to wanting to leave \$ 250,000 in the reserve account. Fiscal Officer Hastings explained the tax budget did not include any carryover cash. Once the end of year numbers are calculated, the carryover cash will be included. Finally, Ms. Gooden-Kinney made a recommendation for the Parks & Rec funds. She would like to see some decorative flags on the flag poles in the Village. She offered to get pricing if Council so chooses.

Mr. Lew Sherrick said most of his questions had been answered already. He hopes that Council really looks at everything before they make a decision on the police department. He said to make sure everyone is safe and protected.

Ms. Lori Steigerwald spoke to Council regarding the speeders on St. Rt. 762. She said it really upset her the other day when one of the Council members went speeding by her house so fast that she couldn't even see them. She said if we can't get our Council members to slow down how are we going to slow the other people down. She said there was almost another accident by her house the other day due to someone coming up the hill too fast. She said she has been complaining about this for the last 7 years and has seen no changes being made. Ms. Steigerwald said with the police department possibly being disband, it will make it worse. Mayor Hammond said he reviewed the records from the Sheriff's department to date. They have made many stops, but few citations written. He said a lot of warnings have been issued. He said he has received many comments from the community that the Sheriff's presence is there. Mayor Hammond said they are stopping a lot of cars. Ms. Steigerwald said obviously there is a problem. Mayor Hammond said he would suspect that this will become a little less friendly and the warnings will turn into citations. Ms. Steigerwald said there are a lot of kids walking and skateboarding on the streets with not much chance of them getting out of the way of a speeding vehicle. Mayor Hammond said stops are being made with few citations being issued. Mayor Hammond said we are not here to be a profit center and he doesn't want a reputation of such. Ms. Steigerwald said that Mayor Hammond had mentioned that before, however what about the law. Mayor Hammond said he won't ask Sheriff Radcliff what his plans are for our Village. He suggests to the residents, to obey the laws. He feels the warnings will become citations. Ms. Steigerwald said if everyone slows down, the people behind you will slow down too. Ms. Evans asked if there was anything additional we could do to slow drivers down or warn them of this area. She feels this is a dangerous area. She suggested possibly placing a mirror in the area so the drivers can see if someone is up ahead. Ms. Steigerwald said she had seen a speed control device that showed how fast you were going and if you were speeding, the lights on top of it turned on. Ms. Steigerwald made a suggestion to Council regarding the placement of the Executive Sessions. She feels it should be moved to the bottom of the agenda as to not leave the public sitting there while Council goes and has a two hour meeting. Mayor Hammond said no decisions can be made during an Executive Session. He said it isn't fair to come out of Executive Session and vote once everyone has already gone home. He said the public needs to hear what is going on and the results of the voting. Solicitor Hess said there are sensitive issues you need to go into Executive Session to discuss. Ms. Vickie Davis said it happens all the time. Council does not inform the public what they are going in for or what the result is. Solicitor Hess said he remembers going in for 2 topics of discussion. Solicitor Hess said we discussed the JEDD and lately the Sheriff contract. Ms. Steigerwald said if there is no vote to be taken why can't you move it to the end of the agenda. Solicitor Hess said there was a vote on the Sheriff contract and a vote on the JEDD at a later date. Solicitor Hess said tonight's Executive Session has no vote to be had and Council could opt to move the item to the bottom of the agenda.

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES**

July 7, 2014

At this time, Mr. Shelton made a motion, seconded by Mr. Geiger to move the Executive Session to right before "Additional Items". All members were in favor. The motion passed.

Mr. Jim Kuzelka spoke to Council. He said he had served on Council for 10 years. He said there have been some issues lately that have come to his attention that he wants to address with Council. He said one of the things that he is concerned with is, the Village is growing at a rapid rate and we are attracting some attention out here. He said he had a letter that was sent to him via email from a Council member that disturbed him. He said it stated this person was a libertarian, less government. They will continue to drive spending down, discouraging sidewalks and voting against beautification projects. They will petition Council to reduce the income tax by ¼% this year and ¼% next year. They said the unfortunate things we do need is more police hours to protect our schools and our residents. The monies will be allocated for this spending. Mr. Kuzelka feels a statement like this is pretty bold. He said one of the things that attracts a community is the beautification of this Village. Sidewalks, walk paths, bike paths, pools will attract people and can attract industry. Mr. Kuzelka said Council needs to take a serious look at not putting a \$ 700,000 cushion in the budget, not tightening up the budget so much that if you want to buy a roll of toilet paper you have to access funds. He said Council needs to look at the growth of this Village. He said one of the reasons the income tax was instilled, was so that we could grow with the Village and offer these things. He said these things have been talked about for years but nothing has been done, however he feels it needs to be done. Either this administration or the next, needs to take action. Mr. Kuzelka feels it is a travesty that we have this issue with the police department. He said the police department has said they have issues within the police department. He feels this is not a legislative issue, but an administrative issue. He said the boss needs to do his job. If there are issues within the police department, he needs to take care of them and not turn them over to the legislative side for them to make the decisions for the majority of the people. Mr. Kuzelka said there was a petition take 10 years ago and the number one issue on the petition was the need for more police protection. More coverage through the day to protect our children. Mr. Kuzelka said he was robbed and the guy was caught. He feels our police department does their job. He feels they have made some pretty good arrests by checking license plates and checking the computer. He said the budget is set up to operate a police department. He said he the people not only requested it but demand it. The police department has been here as long as Mr. Kuzelka has which is 27 years+. He said Council needs to take a good look at the wants and needs of the Village, not personnel vendettas or anything like that. Mr. Kuzelka said the Sheriff's department is not the answer. He said the Village has tried that in the past. It didn't work then and it won't work now. Mr. Kuzelka said it is Mayor Hammond's job to take care of the police department and he should have done that, not Council.

Legislation:

- A. Ordinance 2014-01 **AN ORDINANCE ABOLISHING THE VILLAGE OF COMMERCIAL POINT'S POLICE DEPARTMENT PURSUANT TO OHIO REVISED CODE § 731.10** – Mayor Hammond did a first reading, title only.

- B. Resolution 12-2014 **A RESOLUTION TO REALIGN MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER IT TO THE CONTRACTUAL SERVICE ACCOUNT 1000-110-399** Mayor Hammond said this was to fulfill the Sheriff contract. Mr. Shelton 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. Geiger – Yes, Mr. Sadler – Yes, Mr. Laxton – Yes. The motion passed. Mr. Shelton made a motion, seconded by Mr. Laxton to adopt Resolution 12-2014. A roll call vote was taken: Mr. Shelton – yes, Ms. Evans – yes, Mr. Geiger – Yes, Mr. Sadler – Yes, Mr. Laxton – Yes. The motion passed.

Mayor Hammond read the following motion: A motion to remove or confirm the appointment of Commercial Point Police Officer Kevin Kelly Pursuant to §§ 737.16 and 737.17 of the Ohio Revised Code. At this time, Mr. Shelton made a motion, seconded by Mr. Laxton to table this motion until the outcome of Ordinance 2014-01 is received. All members were in favor. The motion passed.

At this time Solicitor Hess said it had come to the attention of the Administration that a property owner was storing commercial vehicles on a residential lot. Solicitor Hess said he sent a letter to the property owner to cease using the property in this way. It is zoned R-1 which is residential. The land owner continues to use this lot as such. Solicitor Hess said the next step is potential litigation against the property owner to try and stop the parking of these commercial vehicles in the R-1 district. Solicitor Hess is looking for direction from Council as to what they would like him to do. Mr. Shelton said the property is clearly being operated as a commercial business. The people are driving in, parking their personnel vehicles there, getting their tickets and driving the trucks to the job sites. Is that a dispatch business being performed there? Solicitor Hess said that was the content of his letter, stating they were not using that

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
July 7, 2014**

property properly. Solicitor Hess wants to know how far Council would like him to go with this. Mr. Matt Karg said he was the one who personally installed the driveway on this piece of property. He said he knew of three people that are employed with this Village that told the property owner it was ok for him to move forward with what he wanted to do. He said one of the people sat in his pick-up and on his motorcycle on the property, while Mr. Karg was putting the driveway in. This person said it was fine to park the dump trucks there. Mr. Karg said the property owner is in the process of putting a house on this property. Solicitor Hess asked Mr. Karg if he would mind staying after tonight's meeting so they could speak. Ms. Evans asked if there was a plan as to how long before the house went up. Mr. Karg said he didn't know but the plan was to add a house and pole barn to the property and the trucks would be parking inside the barn every night. Mr. Kuzelka asked what zoning permit was applied for. Mayor Hammond said there was no zoning permit that was turned in. Mr. Karg said the property owner said the State of Ohio said they weren't going to issue a permit for the culvert and the property owner had to go through the Village. Fiscal Officer Hastings said there has been a Right-of-Way permit submitted, however not been approved to date. Zoning Inspector Griesenbrock was brought in for clarification on the permit. He said the permit had been submitted but not approved by Engineer Grosse.

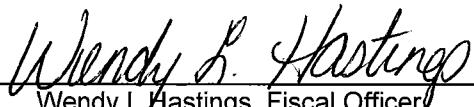
Mr. Laxton made a motion, seconded by Ms. Evans to enter Executive Session to discuss threatened litigation. All members of Council were in favor. The motion passed.

Mr. Shelton made a motion, seconded by Mr. Geiger to come out of Executive Session. All member were in favor. The motion passed.

Mr. Laxton made a motion, seconded by Mr. Geiger to adjourn the meeting. All members were in favor. The meeting adjourned.



Joe Hammond, Mayor



Wendy L. Hastings, Fiscal Officer