

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
February 2, 2015**

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. Sadler, Mr. Geiger, Mr. Wissinger, Mr. Shelton and Ms. Evans. Solicitor Hess, Engineer Grosse and Chief Jordan were also in attendance. Mr. Laxton was absent.

Mr. Sadler made a motion, seconded by Mr. Shelton to approve the January 5, 2015 Regular Council Meeting Minutes. All members were in favor with the exception of Ms. Evans who abstained. The motion passed.

Administrative Reports:

- A. Mayor's Report – Mayor Hammond had no report.
- B. Village Engineer's Report – Engineer Grosse reported that he had attended the Public Service Committee Meeting earlier this evening. He said a lot of topics were discussed including streets, sidewalks and utility improvements. He said he knew the budget was being discussed tonight and wanted Council to know the need for sidewalks. He feels we need an ordinance for the sidewalks in the Village. He said there is a lot of foot traffic in the Village as well as they are being used by handicapped people. Engineer Grosse informed Council that we are moving ahead with the location of new wells south of St. Rt. 762. More information to come. Engineer Grosse said the utility employees are continuing to test the flow at the wastewater plant. He said he really appreciated Superintendent Thompson's input in tonight's Public Service Committee meeting.
- C. Village Solicitor's Report – Solicitor Hess reported the public notices for a Public Hearing on the closing of Oak Alley will be sent out tomorrow. He said an ordinance to close the alleys will be forthcoming. The Public Hearing will be held on March 2, 2015 at 7:00 p.m. Solicitor Hess said Council would be receiving an email from either himself or Ms. Hastings regarding a proposed zoning appeal. He said it was up to the landowners to appeal a violation notice that was being sent to them.
- D. Police Department Report – Chief Jordan said he reported to Mayor Hammond and Ms. Hastings a list of street lights that were out. Ms. Hastings said she reported all of these as well as the ones that Mr. O'Neil had reported. She said some of the ones from Mr. O'Neil didn't have addresses and South Central Power said they needed addresses to be able to locate these lights. Mr. Kuzelka said if there are lights out in Genoa Crossing, he is responsible for those, not the Village. Ms. Evans asked Chief Jordan how the new officers were doing. Chief Jordan said Officer Greathouse just attended a 40 hour class to become radar certified. He said he has a few more items to be trained on but is doing a good job. He said Officer Kaltenegger is still in training and needs about another 2-3 weeks before he can be on his own. Ms. Evans asked if he would be ready by March. Chief Jordan said yes.
- E. Village Administrator – No report
- F. Fiscal Officer Report – No report – bank statement was not ready

Legislative Reports:

- 1. Randy Shelton – Mr. Shelton reported there were two more committee meetings scheduled. Zoning is scheduled for February 7, 2015 at 9:00 a.m. and Safety is scheduled for February 9, 2015 at 7:00 p.m.
- 2. Nicole Evans – Ms. Evans said there was funding in the budget for sidewalks. She asked if Council needs an ordinance to move forward or do they need to figure out what new sidewalks they want to put in and then move forward. Solicitor Hess said in his opinion the Village owns the sidewalks until they relinquish ownership. He said he feels we fix what we want to fix and then relinquish to the property owners. Mr. Sadler asked if this is Village wide or just subject to the old part of the Village. Solicitor Hess said it is Village wide including the subdivisions. Mayor Hammond asked if the sidewalks in the subdivisions were turned over to the property owners already. Solicitor Hess said he would have to look into that issue. He asked Mayor Hammond if there were sidewalks in the subdivisions that were in need of repair. Mayor Hammond said no. He said that is why he asked to prioritize the status of the sidewalks in the old part of the Village 2-3 years ago. He said the ordinance that he had asked for and is still asking for is to look at the sidewalks in the old part of the Village that are past a certain date, do a one-time fix as money allows, and then turn it over to the property owner. Ms. Evans said at this point, there is no

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ownership by the homeowner and the Village owns the sidewalks. Mayor Hammond said he feels in the subdivisions, the sidewalks would automatically be turned over to the homeowner when the streets are. Ms. Evans asked if the old part of the Village are the priority right now. Mayor Hammond said yes. Solicitor Hess said he was wondering why we need an ordinance to repair sidewalks that the Village already has the ability to fix now. Engineer Grosse said based on what Solicitor Hess just said, an ordinance needs to be passed to turn the sidewalks over to the property owners in the subdivisions. He said the Village has a tremendous liability based on Solicitor Hess's comment. Solicitor Hess said there is numerous cases of where someone trips on a sidewalk and sues the municipality because they own the sidewalks. He said most of these cases get thrown out for some other reason. Mayor Hammond asked if this wasn't somewhat odd that the sidewalks weren't turned over to the property owners. Solicitor Hess said he would have to look in to the subdivision language. Solicitor Hess suggested to fix the sidewalks that Council wants to fix and then pass an ordinance giving up ownership. Mayor Hammond said that was good news because he and Engineer Grosse were told that they were not allowed to fix any sidewalk that was already in existence. Mr. Kuzelka said each subdivision might have different covenants that cover the sidewalks. There was discussion as to where the property owners actually own to. Some thought they owned to the road while others said their property stopped just short of the sidewalks. Ms. Evans said we could revisit this once the budget is passed.

3. Clarence Wissinger – Nothing to report
4. David Sadler – Nothing to report
5. Mark Geiger – Nothing to report
6. Brad Laxton – Nothing to report

At this time, Mayor Hammond opened the floor for citizen's comments. Mr. Larry Stone asked on behalf of the Go Kart Committee for a donation from the Village for the races this year. He said he knows the City of Circleville donates to the Pumpkin Show and the Village of Ashville donates to the Fourth of July fireworks and feels Council could donate to the races to help promote the Village. He said it is a great event that brings people to Commercial Point. He said it is the biggest event the Village has and was just looking for some help from Council.

Mr. John Murphy asked if there was an electronic policy regarding social media for the Council or employees of the Village of Commercial Point. Mayor Hammond said it has been talked about a lot but at the present time the consensus is we do not want a Facebook page. He said we have a working website that is taken care of by our Village Administrator. Mr. Murphy asked when an employee makes any type of remark on social media, generally speaking about anything, is the employee speaking on their own or are they speaking on behalf of the Village. Solicitor Hess said the Village does not have a policy or do we ask employees to comment on social media. Mr. Murphy said he would not go into detail however there were some comments made on Facebook that were slandering and he needed this information to report back to his counsel. He wanted to know if this person would be represented by the Village or if they would stand on their own. He said what he was gathering was, the individual was on their own. Mayor Hammond said he sent out an email to Council and to Mr. Jason Thompson stating that if the post has nothing to do with the Village, it is none of the Village's business as to what an individual does or says as that individual. Mayor Hammond said he has no authority over what an individual does on their own on Facebook. He said the Village does not have a Facebook. Mr. Murphy said he was here to figure out if he needed to file personnel issue or one against the Village. He said he does have a complaint against someone however feels it needs to be on a personnel level.

Ms. Evans asked about the request that Mr. Stone had made. She asked if this type of donation was ever done in the past. Mayor Hammond said they were a non-profit organization. Mr. Sadler asked Mr. Stone if he was asking for a donation from the Council members on a personnel level. Mr. Stone said they were looking at promoting the Village. He said maybe there is a fund that can be established where the go kart committee can draw against it when they need money.

At this time a brief recess was taken.

Business Item:

2015 Budget – Mayor Hammond said he and Ms. Hastings but a budget together and presented it to the Finance Committee which includes, Ms. Evans, Mr. Wissinger and Mr. Laxton. He said the committee had a meeting

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Where they discussed what they would like to see budgeted for 2015. Mayor Hammond said a Special Meeting will be held on February 16, 2015 to vote on the budget. At this time, Council had a discussion on the proposed budget. Some of the main topics were the Police Department and funding the up to 30 hour position, sidewalks, acquiring land, fixing up the center of town and maintaining the roads.

Legislation:

Resolution 03-2015 – A RESOLUTION TO MAKE PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF COMMERCIAL POINT, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015. Mayor Hammond did a second reading – title only. Ms. Hastings said this did not need to include the emergency language since Council will be voting on this resolution on February 16, 2015 which gives ample time to submit the budget to the County Auditor.

Mr. Wissinger 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