

**Village of Commercial Point  
Council Meeting Minutes  
July 11, 2016**

Mayor Joiner called the meeting to order, followed by the Pledge of Allegiance. Fiscal Officer Hastings took roll call with the following members present: Mr. Geiger, Mr. Sadler, Mr. Townsend, Mr. Laxton, and Mr. O'Neil. Ms. Evans was absent. Solicitor Hess, Utility Superintendent John Thompson and Village Administrator Crego were also in attendance.

Mr. Laxton made a motion, seconded by Mr. Townsend to approve the May 2, 2016 Regular Council Meeting Minutes. All in favor, motion passed. Mr. Townsend made a motion, seconded by Mr. O'Neil to approve the May 2, 2016 Public Hearing Meeting Minutes. All in favor, motion passed. Mr. Geiger made a motion, seconded by Mr. Sadler to approve the June 6, 2016 Regular Council Meeting Minutes. All in favor except Mr. O'Neil who abstained, motion passed. Mr. O'Neil made a motion, seconded by Mr. Townsend to approve the July 6, 2016 Special Council Meeting Minutes. The vote was denied due to Mr. Geiger and Mr. Sadler abstaining and not enough members to pass the motion. The minutes will be presented at the next council meeting.

Administrative Reports:

- A. Mayor's Report- Mayor Joiner said we have important issues to vote on including a pre-annexation agreement. He said from a police stand point we have had 63 call for the month. He said we had a couple of break-ins last Saturday evening and we have a pretty good idea who did it and may be able to recover some of the equipment.
- B. Village Engineer Report-Not Present
- C. Village Solicitor's Report- Solicitor Hess said we have three pieces of legislation up for a third reading, Ordinance 2016-06 to enter into agreement with Muni-Link, Ordinance 2016-07 to enter into agreement with Scioto Township to share the cost of the NIXLE program and Ordinance 2016-08 to enter into agreement for the Water Tank Maintenance contract. He said we have several pieces of legislation up for a First reading for transfers of monies which Fiscal Officer Hastings can speak to. He said the majority of them are for the potential hourly/salary position for the Village Administrator which is up for discussion. The final ordinance is authorizing the mayor to enter into a pre-annexation agreement with Lehman Farms and Foxfire and declaring it an emergency. He said the pre-annexation agreement is basically a framework in which the parties have agreed on to move forward with discussions. He said it does not obligate the village to annex any properties. He said it includes emergency language and he will be asking for the waiving of the three readings. He said Lehman Farms, which is in discussions has a very popular piece of property and are looking to expand on it. He said Foxfire is a piece of it and will receive some utility upgrades. He said basically the village will be providing a 2" sanitary sewer tap and a 1.5" water tap. In the version he passed out it states Foxfire would get a 2" water tap, that is incorrect; it will be a 1.5" tap. He said there are annexation timeframes which the statute requires. Solicitor Hess said we are continuing in discussions with a property owner for test wells which has gone slower than anticipated. He is hoping to have the information by the next COW meeting.
- D. Police Department Report- Mayor Joiner covered the Police report provided by Chief Jordan. He said the Commercial Point Police department has been checking for open doors and garage doors and if open they have been knocking on owners homes regardless of the time. Mayor Joiner said this has been well received. He said the Police department will implement a house watch program. If the homeowner is away the police department will watch the home. He said the homeowner will come in and fill put an application with information such as the time they will be away and if anyone is supposed to be at their residence in their absence. He said we had a traffic accident the past week. He said it was a gentleman who tested .24 blood alcohol and almost struck a child. He said this was his 5<sup>th</sup> OMVI.

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- E. Village Administrator- Village Administrator Crego said they completed their bi-annual lead and copper sampling. He said they had one site that tested higher than the range. He said they notified the owner. He said we as a village have an approved water supply. He said through discovery they discovered two manholes that were damaged in the field and they have been repaired. Village Administrator Crego said they met with Stantec Engineers regarding the upgrade to the sewer plant. He said they had a 2-hour meeting and was provided with 3 options along with price ranges. He said today they received a 4<sup>th</sup> option, which they liked. Village Administrator Crego said they have to develop some figures internally for financing. He said he and Utility Superintendent Thompson have been visiting other water/sewer sites and have talked to their supervisors. He said he is working on a list of ditch drain issues that need to be corrected before winter. He said they did a 6-month review with the newest employee and helped to develop a plan of goal setting and markers. He said on June 20<sup>th</sup> and 21<sup>st</sup> he met with Pickaway Progress Partnership (P3). He said they wanted to know about our potential in this area for development and how open we are and receptive to having more things going on. He said it went well. He said their specific question was about our plant size and operation, expansion and future plans. He said he is meeting with two other administrators in other communities to discuss issues they are facing getting contracts. He said the simplest and most appropriate way to get road work done is one of the topics to discuss. He said on June 26<sup>th</sup> there was an issue and we lost water pressure in Chestnut Estates. He said the utilities team responded quickly and worked through the night to fix the valve. He said the water pressure in the village was not affected. He said it was restored at 9:40 the next morning and a boil alert was issued. He said since that time there was another water line break in the same line the following Friday at 2:00pm. He said because it was daytime and the excavator was on hand they were able to restore service in 4 hours. Village Administrator said hats off to the Utility staff; they did a great job. Village administrator Ross thanked those who sent him emails with questions, he appreciates them. Mayor Joiner said it is very easy to be a good leader when you have good leadership and he applauds all of the leadership he has on the staff.
- F. Fiscal Officer's Report- Fiscal Officer Hastings covered the Fund Status as of June 30, 2016: General Fund \$1,384,731.39, Street Construction Maint & Repair \$281,911.41, State Highway \$24,299.35, Parks and Recreation \$3,033.57, Permissive Motor Vehicle License Tax \$7,511.80, Enforcement and Education \$1,560.00, Housing Development \$44,201.34, Water Operating \$2,640,181.34, Sewer Operating \$2,301,284.68, and Garbage Operating \$13,059.04. All funds total \$6,701,773.92.

Legislative Reports:

1. Mark Geiger-Nothing to report
2. Nicole Evans-Absent
3. Brad Laxton- Nothing to report
4. David Sadler- Nothing to report
5. Ben Townsend- Nothing to report
6. Scott O'Neil-Mr. O'Neil asked for the status of the road repairs. Village Administrator Crego said that is under him. He said this is why he will meet this week with other Administrators in other communities. He said Carmel Court roads are the worst, but easiest to fix. He is anticipating starting the third week of August. He said there are also numerous potholes throughout the village. Mr. O'Neil asked if there would still be time to get those completed this year. He said yes. Mr. O'Neil asked about the holes that have been cut into the roads and what are we doing about that. Village Administrator Crego said no. He said he has noticed the gas company working in the village and cutting places in the pavement. Mr. O'Neil said there is one at

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Chestnut Estates and one at Main Street. Village Administrator Crego said he would follow up on them. Mr. O'Neil also told Village Administrator Crego he has been told the catch basins in Genoa Crossing are crumbling. Village Administrator Crego said there are three basins marked for repair. Mr. O'Neil said since we are going into citizen comments, regarding Mr. Spohn, he asked if something can be done soon to fix the ponds in Walker Point and for a timeframe. Village Administrator Crego said yes, as soon as they can determine the problem and approve the funding. Mr. Spohn said he and Engineer Grosse previously met and have a plan to fix them but something needs to be done soon. He said it will be a two-part process. Village Administrator Crego will look into it.

**Citizens Comments:**

Joe Hammond thanked council for all of their efforts. He said in regards to the pond issue, this has been an ongoing discussion. He said there was a council member present who was very adamant about the village and how they spent the money and who's property they are improving. He said they had a \$500 problem that went on for 9 months. He said as a citizen he has a serious issue with the village fixing a problem that has been identified as a Maronda Homes issue. He said we have leverage with Maronda Homes. He said we have the right to not allow additional building until the problem has been fixed. He said it is not a Commercial Point issue or financial responsibility and as a citizen he highly objects to any funds being spent. He said council has the right to not allow additional homes until the issue has been fixed. He said it was not put in correctly or inspected correctly and for four years he listened to this and the answer has always been the same. It is not the responsibility of Commercial Point to pay for Maronda Homes mistake. He said they have a Home Owners Association to deal with this. He said he strongly objects to village funds being spent to fix private property using Village funds as Mr. O'Neil objected to a \$500 post to be put in to protect people. He feels it would be unethical to do that. He asked about the Lehman Pre-Annexation agreement and who will pay for the taps? Solicitor Hess said the village will provide the water and sewer taps, this is our contribution. Mr. Hammond confirmed that we are paying for that. Solicitor Hess said yes just for the taps. Mr. Hammond asked about the Employee Guidelines discussion. Mr. Townsend said it new guidelines for the Village Administrator. Mr. Hammond asked about the Employee Pay Schedule discussion. Mr. Townsend said it is for the position of the Village Administrator. Mr. O'Neil said for item C Employee Guidelines it is adding the Village Administrator hourly/part-time. Mr. Hammond asked what the rate is. Mr. O'Neil said it has not been determined but it has a range of \$10-\$25 per/hour with a max of 20 hours per week if approved by council. Mr. Hammond said as conservative as he is he understand the importance of the Lehman project. He said when it happens there is a lot of expense associated with that for the village with services provided. He said during his administration the proposed Walker Point pond fix would not have taken in consideration their needs. Mayor Joiner said citizen comments are 3 minutes. Mr. Hammond asked 3 or 5 minutes. Fiscal Officer Hastings said 5 minutes. Mayor Joiner said he appreciated his comments but he has exceeded his time.

Brian Stewart, Pickaway County Commissioner, introduced himself. He provided each council member with an update on what they are working for. A copy will be attached to the approved minutes.

Scioto Township Trustee Mike Struckman advised the trustees officers will be attending a meeting with the Health Department on Tuesday July 12, 2016.

**Business Items:**

- A. Approval of the 2017 Tax Budget-Mr. Townsend made a motion, seconded by Mr. Sadler. All in favor, motion passed.

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- B. Virginia Goldhardt presented the Village with a check for \$600.00 from the Commercial Point Ladies Auxiliary. She said the check is for the purchase of a flag pole and a United States flag to be placed in the Commercial Point Park. Mayor Joiner said by the end of the week there will be three flag poles with the US, Ohio and POW flags, two picnic tables and two additional benches. Mr. Townsend said he heard a rumor the roads by the park will be made into a one-way street. Mayor Joiner said there is talk but we are not there yet.
- C. Employee Guidelines-Fiscal Officer Hastings said going off of what Mayor Joiner has recommended regarding the Village Administrator position, she went and added it in the Employee Guidelines book. She said we already have an Administrator salary position part-time but Mayor Joiner said it has been discussed and looked into making it an hourly position. She said she added that to the book and added a range of pay. She said this does not have to be approved tonight but it will be there in the event council will be ready to move forward. She also created 16 resolutions to pay him which is before council tonight. Mr. Sadler asked how he is funded today. Fiscal Officer Hastings said general only. Mr. Sadler asked how this new would be funded. Fiscal Officer Hastings said she was told General, Water and Sewer. She said she did \$4000 in water and \$4000 in Sewer. She said on his timesheet will list the hours and where he worked. Mr. O'Neil asked if Resolution 28-35 was for the Administrator job. Fiscal Officer Hastings said yes. Mr. O'Neil asked if Resolution 36 was for the Audit. Fiscal Officer Hastings said yes. She said just like the Engineers position this is experimental for her. She said they might end up working more out of the water fund verses the general fund and at the end of the year she may need to come back to council for more money to be moved to water fund. Mr. O'Neil asked if 28-35 can just be read once and not voted on. Fiscal Officer Hastings said they are moving money so you will not have three readings. She said they can just read the title, hold discussion if they are not ready to vote on them. She was asked to put on the agenda and that is why they are listed. She said they can approve the money but she cannot pay anything until the Employee Guidelines and Pay scale are approved. Mr. Sadler asked if it is open for discussion. He said he was not able to attend the Special Meeting but is there a narrative why we need the position. Mr. O'Neil said his understanding the position is already there but instead of the \$4000 a year salary part-time vs the hours the current Administrator is putting in now is 20+ a week for the same amount of money. He said the past Administrator for the past two mayors didn't do as much as Village Administrator Crego has done now in the first month. Village Administrator Crego said this is not about him; it is about the position. He said he will do what he needs to do regardless. He said he feels an hourly position is not the way to go. He said don't make a decision either direction because of him, do it for the value of the position. He said anytime a Village Administrator does not do their job, they have the authority to relieve that person from the position and find someone else. He said we have found ourselves in a position where we rely on the Engineer to do the things the Administrator should do. He said we are trying to work our way back in and it will take a couple years to get back that responsible position. He said he did not initiate or ask for this. He said a 20-hour schedule is a negative thing because it could be Thursday and you have reached your hours. He said there are things you have to be there for. He said he would oppose the hourly schedule. Mr. O'Neil told Mr. Sadler it was discussed briefly in the meeting salary vs hourly. He said he was in favor of the hourly because if we bump up to the salary and offered 20 hours a week, if someone came in and didn't work they would have still collected the pay. Village Administrator said to fire them. Mr. O'Neil said true but just wanted them to receive the pay for the hours of work. Mr. Geiger said he felt Village Administrator Crego has done a great job and he only has experience with one other Administrator. He said he really did not know what the Administrator position did because he didn't see her do the Administrator job. He said now that he has seen what Village Administrator Crego does he has no issue with the raise and he has become a very valuable asset to the community. He said to him it makes more sense than hiring an Engineer. Mr. O'Neil said we can

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use both. Mr. Sadler confirmed we are creating a position that was \$10,400 to \$26,000. Mayor Joiner said he believes in paying for the value of the position he agrees with Mr. Geiger's statements about Village Administrator Crego. He said the title of Administrator is over Utilities. He said he has seen Village Administrator Crego work hand in hand with Utility Superintendent Thompson. He said when you look at someone who is putting in those hours to oversee the Utilities, this position is not a \$4000 position any longer. He said there has to be compensation. He said we are not creating a new position just appropriating the funds to pay them adequately. Mr. Townsend said he does not disagree because Village Administrator Crego has done an outstanding job. He said Village Administrator Crego himself admitted an hourly position would not be best and can be restrictive. He said he is in favor of giving the raise but he feels it should be kept a salary position. Mr. O'Neil said he doesn't care either way, he thought hourly would be best so if someone only worked two hours, they only received two hours of pay, but as Mr. Geiger and Village Administrator Crego said, fire them. He said he is fine with salary. Mr. Sadler said he would like to step slowly. He said we are running financially thin; we have added a couple other positions. Mayor Joiner said that is a good point, in the Special Meeting Ms. Evans brought that up. He said the agreement of the council that attended is to step into it slowly. He said going into the 2017 budget we can look at it more fiscally responsible and set an appropriate budget. Mr. O'Neil said that is why we set a range and not \$20 per hour. Mayor Joiner said this will give us a new test period between now and the end of the year to look at the hours between this position and the Engineers position. He said he and Administrator Crego have had discussions that the goal is the Engineers position was used way out of line and to use the Engineer for specific purposes, not making phone calls. He said this will save us money. He said over the course of the next year, Engineer Grosse will work to share his knowledge with Administrator Crego and Utility Superintendent Thompson. Mr. Townsend asked Mr. Sadler what his preference is. Mr. Sadler said his preference is to make it a salary position \$8000. Mr. Geiger said he feels it should be \$8000-\$12,000. Mr. Laxton said salary and \$15 per hour to \$20 an hour. Mayor Joiner asked if something more realistic like Mr. Geiger suggested between \$8000-\$12,000. Mr. Laxton said \$15,000. Mr. Sadler asked to defer this discussion until they can take a look at the budget. Village Administrator Crego said he thinks Mr. Sadler is taking the responsible fiscal position. Utility Superintendent Thompson said he does not want to speak on behalf of the name, but on the position. He said he has been here 4 years and the past village administrator never visited the plant. He said they are his boss directly. He said for the majority of that 4 years he essentially went without a boss. He said the Mayor worked with him. He said this position is not a couple hours a week. He said he uses those hours before Wednesday. He said he and Village Administrator Crego are always in discussion. He said this position has helped him tremendously. He said it is nice to have someone make the decisions. Mr. O'Neil said thinking back to the Special Meeting he believes that is what Ms. Evans was leaning towards salary. Mr. O'Neil said if we go with salary we can drop the change in the Employee Guidelines. Fiscal Officer Hastings said correct, we do not need to change the Employee Guidelines, just the amount in the Employee Pay Scale. Mr. O'Neil asked Mr. Townsend if he preferred hourly or salary. Mr. Townsend said salary. Fiscal Officer Hastings asked if we go salary how they would want the pay broken down for 2017. Mr. O'Neil suggested pay it all out of general. Fiscal Officer Hastings said most of his time is water and sewage. Mr. O'Neil said there is nothing illegal with paying it out of general. Fiscal Officer said if we are going salary he will not keep a timesheet and they could pay it just like she is paid 25% out general, 37.5% Water and 37.5% Sewer. She said from her stand point this is the easiest way to handle it. Mr. Geiger asked if those % is what they think he will be doing. Fiscal Officer Hastings said they can discuss that. Mayor Joiner said as the Mayor he would lean towards the \$8000. Mr. O'Neil said he would like to see a range. Village Administrator Crego said the Mayor and Administrator are administrative positions. Mr. O'Neil said he doesn't think that is enough. Village Administrator Crego said they can discuss that in 2017. Mr.

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Joe Hammond asked Mayor Joiner if he could make a comment. Mayor Joiner said no. Mr. Sadler asked Fiscal Officer Hastings if she knew history wise how long that position has been paid \$4000. Fiscal Officer Hastings said she does not remember increasing it. She asked Mr. Hammond if he remembered raising it. Mr. Hammond said the Mayor does not feel he can answer the question. Mayor Joiner told him to go ahead. Mr. Hammond said there was discussion with Solicitor Hess on raising it and council chose to leave it where it was. He said he concurs with Village Administrator Crego; he does a great job. He said it should be kept salary. He said he would take Fiscal Officer Hastings suggestion on how to distribute the funds. Mr. O'Neil said since this proposed change is going to be scratched, he would like to make a motion to change the salary position for the Village Administrator to \$8000 per year. Mayor Joiner asked for a second. Mr. Laxton said he thought we were going to take more time to review it. Mr. Sadler said he is not going to second the motion because he wants to make sure we have money to fund this. Mayor Joiner asked Fiscal Officer Hastings if we have the money available. Fiscal Officer Hastings said the money is in the budget, which is why she made the Resolutions. Mayor Joiner said it is a discussion and when we set this behind then we are talking 2 months down the road. Mr. Townsend said there is nothing that says they cannot have a Special Meeting. The motion dies for lack of a second. Mr. O'Neil said the only reason he made a motion was to move forward. He said if no one seconds we will drag it out to the next month, he doesn't care. Fiscal Officer Hastings said we can move the money if we want to or we can skip over the Resolutions 28-35 until a later date. Mr. O'Neil said if no one wants to approve the increase there is no point in moving anything.

Legislation:

For third reading:

**Ordinance 2016-06** AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A SERVICE AGREEMENT WITH MUNI-LINK. Mr. Sadler made a motion, seconded by Mr. O'Neil. Roll Call: Mr. Geiger-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Mr. Laxton-Yes, Mr. O'Neil-Yes. Motion approved.

**Ordinance 2016-07** AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO AN AGREEMENT WITH SCIOTO TOWNSHIP TO SHARE IN THE COST AND SERVICES OF NIXLE. Mr. O'Neil made a motion, seconded by Mr. Laxton. Roll Call: Mr. Geiger-No, Mr. Sadler-Yes, Mr. Townsend-Yes, Mr. Laxton-Yes, Mr. O'Neil-Yes. Motion passed.

**Ordinance 2016-08** AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO WATER TANK MAINTENANCE CONTRACTS WITH UTILITY SERVICE COMPANY, INC. Mr. O'Neil made a motion, seconded by Mr. Townsend. Roll Call: Mr. Geiger-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Mr. Laxton-Yes, Mr. O'Neil-Yes. Motion approved.

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For first reading:

Resolutions 28-2016-35-2016 and Ordinance 2016-10 were not discussed and removed. They will be discussed at a later date.

**Resolution 36-2016** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER IT TO THE AUDITING SERVICES ACCOUNT 1000-745-342. Mr. O'Neil made a motion, seconded by Mr. Laxton. Roll Call: Mr. Geiger-Yes, Mr. Sadler-Yes, Mr. Laxton-Yes, Mr. Townsend-Yes, Mr. O'Neil-Yes. Motion passed.

**Ordinance 2016-10** AN ORDINANCE AUTHORIZING THE VILLAGE TO INCREASE THE SALARY OF THE VILLAGE ADMINISTRATOR AND TO DECLARE AN EMERGENCY

**Ordinance 2016-11** AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH LEHMANN FARMS, LTD, AND FOXFIRE GOLF CLUB, INC. AND DECLARING AN EMERGENCY. Motion made by Mr. O'Neil, seconded by Mr. Laxton. Roll Call: Mr. Geiger-No, Mr. Sadler-No, Mr. Townsend-Yes, Mr. Laxton-Yes, Mr. O'Neil-Yes. Motion failed. Mr. O'Neil said when it comes to annexation the money we will spend or negotiate is very good compared to what we are going to gather in income later. He said he does not know the exact cost of the taps but if we lose \$10,000-\$20,000 in taps fees, we will gain it back in the long run between property and income tax. He said there is nothing in the agreement to abate this. He said he hopes not moving forward with this will affect our annexations. Mayor Joiner said as a Mayor being involved with the Administrator, Engineer, Solicitor and Fiscal Officer since March, he is disappointed. He said again this prolongs decisions that effect this village. Postponing this can cost opportunities that bring jobs to this area and the overall health of this village. Mr. Sadler said he would request we do not receive 1<sup>st</sup> request of this at 1:00pm the day of and expect them to waive the three readings. Mr. O'Neil asked if he had a chance to read it. Mr. Sadler said he did. He said it talks about 2 sets of water main taps and sewer taps. Mr. O'Neil said we already discussed that. Mr. Sadler said it is his request to receive them in more advance. Mayor Joiner said sometimes things like this don't work in advance.

Additional Items:

Adjournment:

Mr. O'Neil motioned, seconded by Mr. Townsend to adjourn. All in favor. Meeting adjourned.

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Gary Joiner, Mayor

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Wendy Hastings, Fiscal Officer

\*Minutes provided by Paula Baldwin, Administrative Assistant