

**Village of Commercial Point
Council Meeting Minutes
January 4, 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, Ms. Evans, Mr. Townsend, and Mr. O'Neil. Mr. Laxton was absent. Solicitor Hess, Engineer Grosse, Utility Superintendent John Thompson and Chief Jordan were also in attendance.

Solicitor Hess said it is a new council with new members so the approval of the minutes only requires voting of the prior council. Mr. Geiger made a motion, seconded by Mr. Sadler to approve the December 14, 2015 Regular Council Meeting minutes. Mr. O'Neil asked for corrections in the December 14, 2015 Regular Council Meeting Minutes. Solicitor Hess said it is appropriate to make corrections but will ask the new members to abstain from voting. Mr. O'Neil abstained and Mr. Townsend abstained, all members approved. The motion passed.

Administrative Reports:

- A. Mayor's Report-Mayor Joiner thanked everyone for the opportunity to serve. He looks forward to the next four years serving with the council and looks forward to making a positive impact and continuing with what Mayor Hammond and prior council members put in place.
- B. Village Engineer's Report- Engineer Grosse has scheduled a meeting regarding the wells on Thursday January 7, 2016 with the property owners to begin discussion on the possibility of purchasing land for test wells. This is the property south of 762 on the west side of the river. Engineer Grosse has not set up the final meeting with Columbus yet. He said as soon as the January 7, 2016 meeting is completed he will set up the meeting with Columbus. Engineer Grosse has had several meetings with the EPA and are preparing the layout for the sludge storage building. The soil boring for the new tanks will be completed by Wednesday January 6, 2016. Tera Con will be present to do the soil boring and make sure there are no surprises and to keep this moving. It is still the goal to get that out for bid in early summer. Engineer Grosse said they have not put in the flashing signs in town yet. He and Fiscal Officer Hastings have discussed this and will wait for the budget to be in place. Once completed a flashing sign will be ordered and installed. Hopefully this will improve the safety coming into town. Mr. Sadler asked for an update on Intellwave. Engineer Grosse said he has a call into Mr. Cooper for an update. Engineer Grosse has not heard back from him. Engineer Grosse said they are working and have completed quite a bit. Engineer Grosse stopped over the holidays to check on progress. Engineer Grosse also placed a call to Frontier. He said we have approved the contract with them for the easement and has not received a response. Engineer Grosse will follow up with them and report back to council. Engineer Grosse said Intellwave has put a lot in the ground. He said Utility Superintendent John Thompson advised him they are on 762. Mr. O'Neil said he was talking to Mr. Cooper and he advised him to contact Fiscal Officer Hastings; and has briefly spoken to Solicitor Hess. He said Mr. Cooper is looking for the video service contract. Engineer Grosse said we did obtain a surveyor to write a legal description on the easement. As soon as that is completed Engineer Grosse will send to Solicitor Hess to finalize the agreement. As of right now we have not signed an easement agreement, it requires council approval. Mr. O'Neil said he spoke to Fiscal Officer Hastings and asked her to discuss with Engineer Grosse to consider creating a checklist for what steps need taken if another cable company wants to come in and do the same thing as Frontier. Engineer Grosse said he will finalize the list. Mr. Sadler asked about the storm drains in Chestnut Estates and the orange mats. He said a lot of them are clogged. Mr. Sadler asked if those concerns should be directed to Westport Homes. Engineer

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- Grosse will let Westport Homes know. Engineer Grosse said it is good and bad, they are plugged because it means they are doing the job but on the other hand can also flood the streets.
- C. Village Solicitor's Report- Solicitor Hess reported we have two pieces of legislation for consideration tonight; Ordinance 2015-13 which is set for a third reading. It does provide for approval by Solicitor Hess and Engineer Grosse in regards to the items Engineer Grosse spoke about, the legal description and also completing the contract information. Resolution 28-2015 is set for first reading. It is a realignment of money which does not require multiple readings and can be voted on tonight. It is to realign monies to pay for legal and accounting fees. Solicitor Hess said we are set for Executive Session tonight to discuss employment issues, pending litigation, and the Village Administrator position. Solicitor Hess said it is his understanding the prior Village Administrator has resigned and will also discuss the Village Solicitor position. He said Engineer Grosse and Mr. O'Neil are correct as it relates to Intelliwave, they are waiting on information from him, one being the Video Service contract and we need to enter into the contract specifically for payments for the easement. Solicitor Hess said they have agreed on a dollar amount, it is the same amount as Frontier. Also included in the agreement will be language if they abandon the site. He said it will revert back to the village and set forth a time frame when they need to start. Solicitor Hess reported we have an annexation request from Westport Homes. We have entered into negotiations with Westport Homes and the annexations has not been approved by council as of yet, it has been discussed. Prior council could not vote within the timeframe which was after December 25, 2015 and we have not had an additional council meeting. Solicitor Hess said we have 120 days from the date the commissioners passed their legislation, and within the next couple of meetings this will need to be addressed. Solicitor Hess said speaking with Westport council, Tom Hart they would like to see this completed sooner than later. If we are going to have a special meeting prior to the COW Meeting, Tom Hart Westport Council would like to address these issues, if not he definitely would like to be on the agenda for the February meeting. Mr. O'Neil asked Solicitor Hess about the Village Officers Handbook, section 221 and 213 and several additional sections, where it is talking about Bonds for municipal officers. Mr. O'Neil asked Solicitor Hess for a legal opinion if the bonds will be obtained for the council members. Mr. O'Neil said one part seems like they have to have bonds and another part seems like they may need bonds. Solicitor Hess said he would certainly research it for him but his brief review is Council are not officers of the village; they are legislative authority and he is not aware of other villages that require bonds for their council and we have not in the past. He will research and reach out to municipal leagues to see if they have a different opinion as to bonding requirements. Solicitor Hess said we need to check with our insurance company to see if there are errors in omissions protection for council members which is typically what board members have. Solicitor Hess said his off the top, not fully researched opinion is council does not need to be bonded because this council does not handle any monies or any financial duties. Fiscal Officer Hastings is bonded because she handles the finances for the villages. Mr. O'Neil said he thought of it because in the Village Officers Handbook it said elected officials are village officers.
- D. Police Department -Chief Jordan handed out the police report for November and December, he was unable to provide November due to his absence. Predominantly those stats are from Officer Waas as she was the Village officer working in December. At that time, we still had the Sheriff's contract in place for the 60 hours. Chief Jordan also spoke in reference to the social media regarding the issues brought up. Chief Jordan will return to full duty Wednesday January 7, 2016. Officer Waas has done very well, in fact the previous week was her first arrest resulting in two felony drug charges, one misdemeanor drug charge and one misdemeanor drug paraphernalia charge. Chief Jordan said he came in to assist her with the paperwork and she

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filed the charges and took the person to Circleville to the courts and turned them in. Chief Jordan said Officer Kevin Kelley has agreed to accept the other 30-hour position. With his work schedule on his other job he only works two days a week which will allow him to complete the 30 hours until it is permanently filled. Chief Jordan also asked about looking into having the Public Safety Meetings again, we used to have a safety committee to go over all aspects of public safety not just police department, included signage, roadways, and everything that could relate to the safety of the village. Chief Jordan said at the December meeting the Fire Chief was able to look at the plans with moving forward on Chestnut Estates and give recommendations. Chief Jordan would like to meet with the Fire Chief and both go thru the village and see what could be safety concerns in different areas. Chief Jordan said one thought is yellow curbing the distances as stated in the ORC by the fire hydrants and possible yellow curbing certain intersections to prevent cars from parking where it could be a hindrance for fire engines or a medic trying to access the area. Chief Jordan asked Trustee Michael Struckman if the Fire Chief is back from vacation. Trustee Struckman said yes. Chief Jordan will contact the Fire Chief this week to set up a time for them to arrange a date where they can ride in the cruiser and look for recommendations. Chief Jordan Thanked Solicitor Hess for completing the Resolution drawn up to remove the 03 Dodge that was a former police car. Chief Jordan will meet with the Chief to turn the Vehicle over to the fire department. Chief Jordan asked who needed to sign the title of the Durango over. Solicitor Hess said the Mayor or Village Administrator can sign it. Chief Jordan said prior to signing the title if the Fire department wants to store it at their training facility he will get the vehicle over there because it will run for short distance that way it is still under our insurance plan. Mr. Sadler asked Chief Jordan when Officer Kelley will start. Chief Jordan said Kevin will come in Tuesday January 5, 2016 to complete the tax paperwork and OPERS paperwork then begin his shift the same day. Mayor Joiner confirmed we will have the 90 hours of coverage and Chief Jordan said yes. If Officer Kelly cannot complete his 30 hour, Chief Jordan or Officer Waas will fill in the difference. Mayor Joiner asked if there are qualified candidates. Chief Jordan said they have not fully advertised it but he has received one resume and he was given an application, he also has two applicants that are interested in coming in as reserve officers. Mayor Joiner asked Utility Superintendent John Thompson for an update. Utility Superintendent John Thompson is currently completing the end of year items. He said a new employee started today and he seems to be eager to learn all other areas are covered. Mayor Joiner confirmed Bert Cline has completed all of his certifications. Utility Superintendent John Thompson said Bert Cline is now dually licensed with a Waste Water I and Water I so they do have extra coverage at the water plant as needed.

- E. Village Administrator Report-Not present
- F. Fiscal Officer's Report-Nothing to report. Fiscal Officer Hastings is working on year end as soon as it is complete council will receive a copy in their mailboxes.

Legislative Reports:

1. Mark Geiger-Nothing to report, welcomed the new Mayor and council members.
2. Nicole Evans-Nothing to report
3. Brad Laxton-Not present
4. David Sadler-Mr. Sadler received a quotation on the radar signs. He sent the information to council. Mr. Sadler said it is one particular brand, the same one Grove City uses. He said the quote seems high but it included additional items such as batteries, brackets which we do not need now. Mr. Sadler said it has an interesting optional software tracking that will track traffic volume, time of day, high average, low speed statistics. It does not capture the car. Mr. Sadler said it would be beneficial to place it out front and see what the traffic volume we are getting at

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the time of day. Mr. Sadler asked council and Chief Jordan to look over it and let him know if he has suggestions on other equipment to look at. Chief Jordan said he has not seen it and asked Mr. Sadler to email the information to him. Chief Jordan is familiar with what he is describing. Mr. Sadler said it is a portable unit that will be attached to a street sign and can be moved thru out the village. Chief Jordan asked if it does a traffic count. Mr. Sadler said that is an option that can be added for \$250.00. Chief Jordan said that may be something to look at to see how many cars we are getting through an area at any given time. Mr. O'Neil asked if there is money in the budget now or does something have to be moved to pay for this. Fiscal Officer Hastings said we cannot move in temporary budget. Fiscal Officer Hastings checked with the auditor and was told that as quickly as she turns the documents around, there is no reason to move in the temporary budget. Fiscal Officer Hastings will check in the Capital outlay but believes she told Chief Jordan there was \$5000.00. Chief Jordan said yes in the Police Department capital outlay but Fiscal Officer Hastings said they will be spending a little of that soon. Chief Jordan asked Mr. Sadler if we can have a test and evaluation for 30-60 days to see how it operates and if it is something we want to purchase. Mr. Sadler said they are willing to come out for a demo but as far as asking to try one out it has not been asked. Chief Jordan asked if they are in Ohio. Mr. Sadler said the vendor is out of Cincinnati. Mr. O'Neil called and spoke with one of their Captains. He said Grove City is happy with them and thinks its great. Mr. O'Neil said they have the extra batteries. Ms. Evans asked why they love them. Mr. O'Neil said it helps to keep track when someone calls in a complaint about speeding they can place them in the area and then they can go back to the resident and report whether there is speeding issues or not. Ms. Evans asked if there is software that has to be purchased. Mr. O'Neil said yes and he feels if we are going to purchase it we should purchase the software to keep track of the cars. Mr. O'Neil said they own two or three of them and have never had any trouble, they are durable. Mr. O'Neil said the vendor also has a permanent model but he does not think that is what we need. Mr. Sadler said if we go to a permanent option they have solar options. Mr. O'Neil thinks we need a mobile until. Mr. Sadler said it is blue tooth so Chief Jordan would just have to drive his car to the sign and the information would be on his computer. Chief Jordan thinks it would be a good idea especially with the growth at Chestnut Estates on 762 and Welch Road. He said before ODOT will look at it they want traffic and speed surveys completed. Mr. Sadler told everyone to look it over and let him know if there are questions.

5. Ben Townsend-Nothing to report
6. Scott O'Neil-Nothing to report

Citizens Comments:

Mr. Hammond addressed the council and congratulated everyone who choose to run and get elected. Mr. Hammond had one issue for Solicitor Hess and council. He asked Solicitor Hess regarding the situation with the trucking firm as you leave town. He said Council voted that the ruling by our zoning inspector was incorrect and the application for re-zoning was denied. Mr. Hammond asked Solicitor Hess what legal action should be taken, has been taken or will be taken to remedy this situation. Solicitor Hess said no legal action has been taken as of yet and it is a conversation that Mayor Joiner and Solicitor Hess need to have. Solicitor Hess said in Executive Session they will determine if he will remain as the Solicitor or what roll if any he will have with the village. Solicitor Hess said in previous discussion with Mr. Hammond before he left office he indicated he is not willing to pursue legal action without understanding what his position will be after the election. He did not want to begin litigation and then turn that over to someone else, he does not feel that would be fair to the new council or administration. Solicitor Hess feels it is a situation that needs to be resolved for everyone in the village, Hill Jack Trucking, and the neighbors. It is a priority for the Mayor and Solicitor Hess to discuss after Executive Session if he continues as the Solicitor.

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Mr. Hammond addressed the council and said it was an item that has been going on for two years. He said he was not aware that permission had been granted by the Zoning Inspector until after it was given. Mr. Hammond told the Zoning Inspector his decision was not correct and has been ongoing. Council decided the property was being used incorrectly and inappropriately. Mayor Hammond asked council to please honor the decision that has been made. Mr. Hammond said it is an R1 district with very stringent deed restrictions attached and the neighbors that live there have been subjected to unnecessary nuisance and odors which has been presented to past council. Mayor Hammond asked to please consider this and take appropriate actions. Trustee Michael Struckman spoke to council regarding the snow removal contract and advised it is the same as it has been. Trustee Struckman said they would like to raise the rate from \$55.00/hour/truck to \$65.00/hour/truck. The salt has cost them \$55.00/ton and now they are paying \$75.00/ton and they are asking for \$80.00/ton. The Township will store it. Trustee Struckman also asked to change the last paragraph of the contract where it talks about trustees not being responsible for damage to the street curbs, he would like to add mailboxes. He said they have damaged maybe 2-3 in the past several years and that is due to large pieces of snow rolling over. Fiscal Officer Hastings said they have provided her with the bills on the mailboxes and the village took care of them. Mayor Joiner confirmed that we are currently in contract with the township for snow removal. Trustee Struckman answered yes. Mayor Joiner said he would like to keep the current relationship and build on it. Trustee Struckman provided Mayor Joiner with a copy of the current agreement. Mr. Sadler asked when the last increase occurred. Trustee Struckman said there has not ever been an increase. Mr. Sadler asked how long we have had a contract. Fiscal Officer Hastings said at least 9 years.

Executive Session:

To consider appointment/dismissal options for the Village Administrator and Village Solicitor positions. In addition, an update to pending litigation regarding Mr. Murphy. Mr. Sadler made a motion to break for Executive Session, Mr. O'Neil seconded. All in favor. Mr. O'Neil requested Chief Jordan to attend the Executive session, he had information to provide. Council broke for Executive Session at 7:33pm. Mayor Joiner asked for a motion to resume the council meeting on January 4, 2016. Ms. Evans made the motion and all were in favor. The Regular Council Meeting resumed at 8:27pm.

Business Items:

- A. Elect President for Council- Mr. Geiger asked that the nomination be tabled until Mr. Laxton was able to be present. Solicitor Hess said council can honor the request but since there is a quorum here they can take nominations and vote; but can wait for the full council. Solicitor Hess said typically the President of council will handle the COW meeting and there will be a COW meeting between this meeting and next month's Regular Council Meeting. Solicitor Hess said the mayor could also handle the position for COW, depends on how council would like to handle. Mayor Joiner said Mr. Laxton called when he knew he was not attending and called Fiscal Officer Hastings with his nomination. Fiscal Officer Hastings said it is not appropriate to nominate without being present. Mr. O'Neil asked Solicitor Hess if we know his recommendation. Solicitor Hess said it could be used as a nomination. Mr. O'Neil asked Mr. Laxton's thoughts and Solicitor Hess said he would rather Mr. Laxton speak for himself. Mr. O'Neil nominated Mr. Sadler. Mayor Joiner asked if there was further discussion. Mr. Townsend said he would rather wait. Ms. Evans said she is fine either way. Mr. Sadler said there are enough people there to vote. Mayor Joiner said it is the decision to move forward. Solicitor Hess said they can move on and if someone did not want to vote they can vote no or abstained. Mayor Joiner confirmed there is a nomination for Mr. Sadler and asked for a second. Mr. O'Neil asked if the nominee can

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- second. Solicitor Hess said yes. Mr. Sadler seconded. Roll call vote: Mr. O'Neil-yes; Mr. Townsend-yes; Ms. Evans-yes; Mr. Sadler-yes; Mr. Geiger-abstained. Passed.
- B. Meeting Schedule for 2016-Mayor Joiner asked if everyone had an opportunity to review the dates and asked for questions. Mayor Joiner asked for a motion approving the meeting dates. Mr. Townsend motioned, Mr. O'Neil seconded. All in favor, motion passed.
- C. Village Administrator-Mayor Joiner brought forward Ross Crego for Village administrator and asked for a motion to approve. Mr. O'Neil made the motion and Ms. Evans seconded. A roll call was taken: Mr. O'Neil-yes; Mr. Townsend-yes; Ms. Evans-yes; Mr. Sadler-yes, Mr. Geiger-no. Motion passed.
- D. Village Solicitor-Mayor Joiner recommend Mr. Hess remain the Village Solicitor. Solicitor Hess said yes, he currently has a contract through 2016.

Legislation:

Ordinance 2015-13 AN ORDINANCE GRANTING APPROVAL OF AN EASEMENT TO INTELLIWAVE, LLC. Third reading. Solicitor Hess said it is up for a vote tonight and has had two prior readings, if there is no discussion then there is required to be a motion and a second and a vote up or down. Mr. Sadler made a motion to adopt Ordinance 2015-13, seconded by Mr. O'Neil. A roll call was taken: Mr. Geiger-yes; Mr. Sadler-yes; Mr. Townsend-yes; Mr. O'Neil-yes; Ms. Evans-yes. The motion was passed.

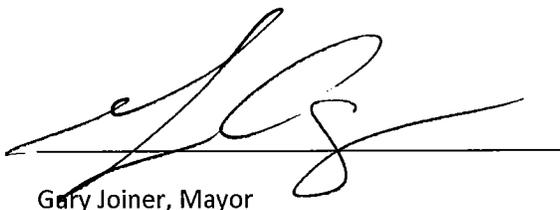
Resolution 28-2015 A RESOLUTION TO RATIFY THE REALIGNMENT OF MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE LEGAL AND ACCOUNTING FEES ACCOUNT 1000-715-341. Mr. Geiger made a motion, seconded by Mr. O'Neil to adopt Resolution 28-2015. A roll call was taken: Ms. Evans-yes; Mr. Townsend-yes; Mr. Geiger-yes; Mr. Sadler-yes; Mr. O'Neil-yes. The motion was passed.

Additional Items:

Solicitor Hess said he will be reaching out to old and new council members with his contact information. At the COW meeting he can address basic council procedures. Solicitor Hess said often the three readings is confusing and emergency language is sometimes misunderstood. Solicitor Hess said if they have the opportunity, there is good literature online and the village handbook is on the State auditor's website. Solicitor Hess said Mr. O'Neil has already reviewed it. It provides detailed to each person's position. Solicitor Hess also said the Sunshine Law on the Attorney Generals website talks about the meeting acts and public records. Solicitor Hess also said the Municipal League has training/seminar for newly elected council members. Solicitor Hess encourages all to attend.

Adjournment:

Mr. Sadler motioned to adjourn, seconded by Mr. Townsend. All in favor.



Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

*Minutes provided by Paula Baldwin, Administrative Assistant