

**Village of Commercial Point  
Council Meeting Minutes  
November 6, 2017**

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. Sadler, Ms. Blevins, Mr. Townsend, Mr. O'Neil and Mr. Geiger. Mr. Laxton was not present. Village Administrator Crego, Zoning Inspector McCoskey and Solicitor Hess were also in attendance.

Ms. Blevins made a motion, seconded by Mr. Townsend to approve the October 2, 2017 Regular Council Meeting minutes. All in favor, motion approved. Mr. Sadler made a motion, seconded by Mr. Geiger to approve the October 30, 2017 Special Meeting minutes. All in favor, motion approved.

**Administrative Reports:**

- A. Mayor's Report- Mayor Joiner said Village Administrator Crego will discuss in detail updates in the village. He said the legs to the water tower are up at Chestnut Estates. He said the booster station is moving along.
- B. Village Engineer - Not present.
- C. Village Solicitor's Report- Solicitor Hess said we have a number of legislation to cover tonight. He said for a first reading, they are all in relation to moving money. He said any questions would be directed to Fiscal Officer Hastings. He covered legislation for 2<sup>nd</sup> and third readings. He said some of the legislation is in anticipation of settling the lawsuit with the village. He said he had a conversation today and whether we need a resolution entering into the settlement. He said when we first discussed the settlement there was a belief the village would be signing a document for the terms. He said having reviewed it which is still in process, the settlement will just be signed by Mr. Murphy, dismissing his claim, He said by passing some of the resolutions tonight, transferring the monies, we are doing what we need to do to settle our portion. He said if council would prefer to have a resolution specifically asked to sign the settlement, he can prepare this. He said however, he feels we are meeting our obligation. He said as the mayor indicated, the booster station is starting. He has the deed in his possession and will have it recorded, He said we have a few final items to take care of regarding pay. He said a council member contact him wanting to discuss a possible Jake brake prohibition in the village. He said he and Chief Jordan checked and we have nothing on the books to prevent this. He said if council would be inclined to have him research he will or if they bring something to him to look into he will also.
- D. Police Department Report- Chief Jordan covered the monthly police report. He said they are moving Officer Writsel from a reserve officer to the part-time position. He also advised one reserve officer has left. He said we have added two new reserve officers, Officer Chandler and officer Thomas. He said Trick or Treat went well. He sent a message out that they were working with a church in South Bloomfield to collect donated goods for a food drive to help kids during school breaks. He said flyers went out in the water bills regarding the toy and food drive we are participating in for the Commercial Point Church to help local families. Mayor Joiner complimented the Chief on raising awareness and thanked everyone who participated.
- E. Village Administrator- Village Administrator Crego said everything is as good as it could be with progress. He said at the WWTP we are on schedule with the construction. He said the water tower has 4 legs and 2 other sets will go on top of that then the tank. He said it will be a 5 week schedule to complete the tank. He said the middle of December is when they expect to have the tank in place but not in service. He said once it is up the inside will need sandblasted and sealed. He said once it is painted then the tank will be in service. He said the booster station which is more critical, it is running on a 5 week schedule for completion. He said there are many other projects going on currently. He said during the storm thru the night, we did have personnel onsite at the WWTP. He said he and Fiscal Officer Hastings have been working on next years budget. He said the

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contract for street repair was awarded last week and may see a few people out working this week. Mr. Geiger asked for an update on the water well. Village Administrator Crego said they are in the final phase of getting signatures for the lease agreement. He said they have a set of engineer plans ready to go. Mr. Geiger asked if the new water tower would be serviced by the new maintenance contract. Village Administrator Crego said not until we are out of the manufacturing warranty which should be approx. 18 months. He said because it is brand new it is a very low cost for the village. Mr. O'Neil asked with the amount of rain that was received the night before, did we have a large inflow on the sewer side. Village Administrator Crego said yes. He said they know where the issues are that need repaired. He said we have purchase orders out now to fix them. He said we have line breaks in the oldest part of our system. He discussed the process in fixing the issues. He said Southern Point has been without power for a few hours today due to AEP scheduled outage. He said they have three pieces of equipment there that the WWTP guys took generators out to. Mayor Joiner said he appreciates the work the WWTP guys do. Mr. O'Neil told Village Administrator Crego he marked the pothole on Schall. Village Administrator Crego thanked Mr. O'Neil and asked him to send a note reminding him where the location is.

- F. Zoning Inspector's Report- Zoning Inspector McCoskey said he has signed off on 4 houses in Chestnut Commons. He said regarding the detention ponds in Walker Point, he said he spoke with Mrs. Huffman and he has put this on temporary hold. He said he believes the existing ordinance we have now does not adequately address this situation. He said the Zoning Manual is lacking in regards to what we have coming in the future. He said he will meet with Solicitor Hess to discuss redoing the book. He said part of the section reads there are two periods when the weeds and foliage should be addressed and clearly this has not been done. He said it is still the HOA's responsibility. Mr. O'Neil asked if we have found a company that specializes in zoning to redo the books. Solicitor Hess said there are firms out there that will do it. Zoning Inspector McCoskey said he and Village Administrator Crego will discuss. Mayor Joiner said if we find another "like" village or city, we can use then as a template and it would help with the cost. Solicitor Hess said he and Village Administrator Crego have also discussed this and will look to see which fits us best. Village Administrator Crego said there are a lot of good zoning out there and he continues to work on it. Solicitor Hess said another thing to look at, a lot of these communities have gone to a charter system. He said with a Charter system we can change our own laws.
- G. Fiscal Officers Report- Fiscal Officer Hastings covered the Fund Status report as of 10/31/2017: General \$1,844,416.68, Street Construction & Maint \$246,590.32, State Highway \$32,651.55, Parks & Recreation \$ 3,033.57, Permissive Motor Vehicle License Tax \$7,611.43, Enforcement & Education \$1,957.00, Ohio Peace Off Education & Training \$2,480.00, Housing Developments \$71,540.22, Water Operation \$2,798,928.60, Sewer Operating \$2,612,751.64, Garbage Operating \$28,145.74 Total: \$7,650,106.75.

Legislative Reports:

1. Mark Geiger- Mr. Geiger asked when the Christmas Tree lighting would be. Fiscal Officer Hastings said December 3<sup>rd</sup> at 6:00pm. She said Mr. and Mrs. Claus will be here,
2. Brad Laxton- Not present
3. David Sadler- Nothing to report
4. Ben Townsend- Nothing to report
5. Scott O'Neil- Mr. O'Neil asked with all of the issues that have come up with Chestnut Commons, is there anything the village could do or should do such as stop issuing permits. Solicitor Hess said no, we should not be involved. He said they stopped using the contaminated materials and all houses going forward are not used with that brand.

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He said they have met with Westport and they have assured us they are doing everything to help resolve the issue. He said he was contacted by an attorney for the homeowners a few months ago wanting us to get involved. He asked under what theory would we need to become involved. He said the attorney could not provide a satisfactory answer. He said as a village, we should stay on top of it but not be involved. He said this is a contract between the builder and the owner. Mr. O'Neil said he understand they are working to fix it but his suggestion to the Mayor for Mr. Hess is for him to write the Attorney General to get their opinion if we should stop giving permits for continued builds. Mayor Joiner said he does not feel that is necessary. He said when they were first made aware of it, it was shortly after Westport was made aware. He said we added extra patrols in the area. He said he has walked the neighborhood and talked to the residents effected. He said 80% felt their issue has been addressed properly. He said he knows there are 2 residents that have not. He discussed the remediation process. He said it is not a place for the village to be brought in. Mr. Sadler said we are only responsible for zoning. Mr. O'Neil said he is the one who called Solicitor Hess and asked why we didn't have a resolution to settle the lawsuit. He said in his opinion we need one. Mayor Joiner said in a normal contractual obligation yes he is correct, but in this case it was a federal judge ruling. He said unfortunately for the village we lost 1 out of 7 issues. He said however we did win 6 out of the 7 issues. Mr. O'Neil said he understands but the judge didn't stipulate what the terms are. Solicitor Hess said correct, they are negotiating those terms. Mr. O'Neil said if Solicitor Hess says the agreement is enough, he disagrees, he feels we need a resolution. Solicitor Hess said by passing a resolution authorizing moving the money is doing what is required under the settlement. Mr. O'Neil said he still does not agree with it but if no one else wants the resolution then that is fine. The remainder of council agreed and feel they do not need a resolution. Solicitor Hess said there will be a document signed, not by this body, but it will be available to review.

6. Becky Blevins-Nothing to report

Citizen Comments:

7. Mr. Joe Hammond addressed council. He discussed the situation with the sewer pipes discussed by Village Administrator Crego. He said in his previous work, a company came in 10 years ago for the exact issue. He said they need to make sure they cut the sleeves. He said it is a great decision to make. He asked that while discussing the budget, Foxfire be considered for street repair. He said nothing has been done in 21 years. Mr. Hammond addressed the detention pond in Walker Point. He said as a resident, stand on the position that is not the villages property and any money spent by the village he will take exception to. He said it is their problem to resolve. He said he is sure there is a good reason by the township parking has become the latest parking lot for our police cruisers. He said he has seen them sitting in the back watching the curve. He said lastly, he has no knowledge of any agreement or settlement. He said he would like to go on record and say it is a sad day when a good decision is made by good people with the villages best interest at heart, that we reward a person that is not deserving of wearing a uniform, badge and gun. He said a person who cannot pass the psychological test to be a police officer. He said he does not know of the agreement, this is the first he has heard of it. He said this settlement includes the village having that person back as an employee, is really a sad day. He said in his personal opinion and even a professional opinion, that is dangerous, vindictive and has proven it. He said council unanimously agreed should not be a police officer. He said he personally states in front of this council if this person returns as a police officer. He told Chief Jordan if this person does return to a police officer and comes to his home, he will not answer the door and he will call the

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Sheriffs department. He said this is how strongly he feels about the stability and the ability of this person. He said he does not know the terms but if it includes re-instatement, it is a sad day and the village is being set up for even larger problems than before.

**Business Items:**

Fiscal Officer Hastings said they need to discuss the Administrative Pay Schedule. She thought when they discussed it before leaving part time officer in the guidelines was ok. She said however, in looking at it, it states 16 hours. She asked if they want to remove the 16 hours a week or just add another line item. Mayor Joiner said to remove the 16 hours and replace it with up to 30 hours. Fiscal Officer Hastings said they can just leave it as a part time police officer with no hours attached. She said she would need a motion and a second. Mr. Geiger said he would like to make a motion to remove the 16 hours and leave it as a part time officer. Mr. Sadler seconded. Mr. O'Neil asked for discussion. Mr. O'Neil said if we remove that, the other officers can work whatever as money permits. Mr. Sadler said no, this is just the pay range. Mr. O'Neil said it sounds to him that they should leave it alone and add a line. Mr. Geiger said that is up to whoever is making the schedule. He said if the person who wants to schedule them for 16 hours or for 30 hours. Mr. O'Neil asked how you will pay for the 30 hours. Fiscal Officer said there is a line in the budget for those individual positions. Chief Jordan said when they budgeted before there were separate line items for each officer. She said in this situation this person will have their own line item in the budget because of his title. Mr. O'Neil said he worries where is it going to fall in regards to the pay. He said they discussed \$17.50 per hour. Village Administrator asked who is we? Mr. O'Neil said council. Mr. Geiger said it was discussed in Executive Session. Mr. O'Neil said you bring someone in here and bring someone in above, how can you bring him in making less than the others. Mayor Joiner said he is part time. Mr. Sadler said it is pay range. Mayor Joiner said it is non contractual position that was mediated in a court. He said this is what has been agreed on. Mr. O'Neil said the return salary was not mediated. Mr. Townsend said these are just pay ranges, which is a management issue what pay they receive, not council. Mayor Joiner agreed and said it is up to him. Mr. O'Neil said it is council issues as to budget. Mayor Joiner said that is January 1<sup>st</sup>, this is where it is needed now. He said in January, it is up to council to discuss pay range. Roll Call: Mr. Geiger-Yes, Mr. Sadler-Yes, Ms. Blevins-Yes, Mr. Townsend-Yes, Mr. O'Neil-No. Motion passed.

**Legislation:**

A. For first reading:

**Resolution 27-2017** A RESOLUTION TO RATIFY THE REALIGNMENT OF MONIES WITHIN THE GENERAL FUND FROM THE NEW MOTOR VEHICLE ACCOUNT 1000-110-393 AND TRANSFER SAID MONIES TO THE MOTOR VEHICLE REPAIRS ACCOUNT 1000-110-433. Mr. Townsend motioned, seconded by Ms. Blevins to approve. Roll call taken: Mr. Townsend-Yes, Mr. O'Neil-Yes, Mr. Sadler-Yes, Mr. Geiger-Yes, Ms. Blevins-Yes. Motion approved.

**Resolution 28-2017** A RESOLUTION TO RATIFY THE REALIGNMENT OF MONIES WITHIN THE HOUSING DEVELOPMENT FUND FROM THE OTHER CONTRACTUAL SERVICES ACCOUNT 2901-490-399 AND TRANSFER SAID MONIES TO THE SALARIES – ADMINISTRATOR'S STAFF (ENGINEER) ACCOUNT 2901-710-139-1020. Mr. Townsend motioned, seconded by Mr.

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O'Neil to approve. Roll call taken: Mr. Townsend-Yes, Mr. O'Neil-Yes, Mr. Sadler-Yes, Mr. Geiger-Yes, Ms. Blevins-Yes. Motion approved.

**Resolution 29-2017** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE CAPITAL OUTLAY ACCOUNT 1000-110-590. Mr. O'Neil motioned, seconded by Ms. Blevins to approve. Roll call taken: Mr. Townsend-Yes, Mr. O'Neil-Yes, Mr. Sadler-Yes, Mr. Geiger-Yes, Ms. Blevins-Yes. Motion approved.

**Resolution 30-2017** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE SALARY - MAYOR ACCOUNT 1000-710-161. Mr. O'Neil motioned, seconded by Mr. Sadler to approve. Roll call taken: Mr. Townsend-Yes, Mr. O'Neil-Yes, Mr. Sadler-Yes, Mr. Geiger-Yes, Ms. Blevins-Yes. Motion approved.

**Resolution 31-2017** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE OTHER PERSONAL SERVICES (PART TIME POLICE OFFICER) ACCOUNT 1000-110-190-1013 AND TRANSFER SAID MONIES TO THE OTHER PERSONAL SERVICES (POLICE SERGEANT) ACCOUNT 1000-110-190-1002. Mr. O'Neil motioned, seconded by Mr. Townsend to approve. Roll call taken: Mr. Townsend-Yes, Mr. O'Neil-Yes, Mr. Sadler-Yes, Mr. Geiger-Yes, Ms. Blevins-Yes. Motion approved.

**Resolution 32-2017** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE ACCOUNTING AND LEGAL FEES ACCOUNT 1000-715-341. Mr. O'Neil motioned, seconded by Ms. Blevins to approve. Roll call taken: Mr. Townsend-Yes, Mr. O'Neil-Yes, Mr. Sadler-Yes, Mr. Geiger-Yes, Ms. Blevins-Yes. Motion approved.

B. For second reading:

**Ordinance 2017-15** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND/OR VILLAGE ADMINISTRATOR TO EXECUTE A USE AGREEMENT WITH THE COMMERCIAL POINT RACING COMMITTEE.

**Resolution 25-2017** A RESOLUTION TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF COMMERCIAL POINT, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018.

C. For third reading and vote:


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**Ordinance 2017-13** AN ORDINANCE TO AMEND SECTION 1044.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT, OHIO. Mr. Sadler motioned, seconded by Mr. Townsend to approve. Roll call taken: Mr. Townsend-Yes, Mr. O'Neil-Yes, Mr. Sadler-Yes, Mr. Geiger-Yes, Ms. Blevins-Yes. Motion approved.

Additional Items:

Nothing reported.

Ms. Blevins motioned to adjourn, seconded by Mr. Townsend. 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