

**VILLAGE OF COMMERCIAL POINT
SPECIAL COUNCIL MEETING MINUTES
April 28, 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. Wissinger, Mr. Geiger, Mr. Laxton and Ms. Evans. Solicitor Hess was also in attendance. Engineer Grosse was absent.

Mr. Sadler made a motion, seconded by Ms. Evans to suspend the procedural rules. All members were in favor. The motion passed.

Mayor Hammond turned the meeting over to Solicitor Hess. Solicitor Hess said there was one item on the agenda, which is confirmation of a Village police officer. Solicitor Hess gave a brief explanation of the steps needed to become an officer. He said in Ohio, we are all at-will employees, meaning as long as we are not being discriminated against due to age, race, sexual orientation, etc., we can be removed. Village police officers have an extra layer of protection when it comes to their employment. He said the Ohio Revised Code sets forth how law enforcement is handled. First an officer is appointed by the Mayor. That appointment is solely by the Mayor. During the first 60 days, the officer is to have a physical examination that is paid for by the legislative authority. After a six month period of time, the officer should come before the legislative body to be confirmed as an officer. Secondly, the Ohio Revised Code requires the officer to become a resident of the Village, however this can be waived, which is the case for Commercial Point.

Solicitor Hess said we are here tonight to for confirmation of a police officer of the Village. He said they have reviewed the documents that are associated with Officer Murphy. First looking at when he was appointed by this Village, we cannot find any documentation where he was appointed by a Mayor. Solicitor Hess said in his findings, there was a position open and he feels Officer Murphy asked to have that position. Officer Murphy became a W-2 employee, however there is nothing in the records showing any Mayor has ever appointed Officer Murphy. Secondly, looking at the documents we have, we can find no medical exam associated with his appointment. We could not find any reimbursement of where Officer Murphy was reimbursed for his physical exam. Furthermore, we could not find any confirmation by the legislative authority. Whether his employment came before this Council or the previous Council for confirmation which is required, the statutes says his employment is not final until that confirmation is made. Again, we could find no documentation, nothing in the minutes to verify.

Council had a motion in front of them from Mayor Hammond. Solicitor Hess read the following: "A motion to remove or confirm the appointment of Commercial Point Police Officer John A. Murphy pursuant to § 737.16 and § 737.17 of the Ohio Revised Code. Whereas, Ohio Revised Code § 737.16 requires the mayor of the village to appoint all police officers; and Whereas, Ohio Revised Code § 737.17 requires the legislative authority of the village to remove or finalize a police officer's appoint at the end of a probationary period; and Whereas, the Village of Commercial Point cannot discern any appointment of Officer Murphy by a prior administration, but desires to conform with the Ohio Revised Code; and Whereas, the Village of Commercial Point cannot discern any confirmation of Officer Murphy by any prior legislative authority, but desires to conform with the Ohio Revised Code; and Whereas, the Mayor of Commercial Point has transmitted a record of Officer Murphy's service with his recommendation to Council that Officer Murphy should be removed as a police officer for the Village of Commercial Point." Solicitor Hess said it is up to a majority vote by Council. Council can either concur with his recommendation, meaning Officer Murphy would be removed as a police officer, or they can reject his recommendation and Officer Murphy would continue to be a police officer for the village and his employment would no longer be an at-will employee.

At this time, Solicitor Hess called for a vote on this motion. Mr. Sadler asked if a vote of "yes" meant you agreed with the Mayor's recommendation. Several comments came from the audience regarding the reasoning. Solicitor Hess said he was unable to comment at this time. Solicitor Hess said Mayor Hammond has made a motion, and was in need of a second. Mr. Shelton seconded the motion. A roll call vote was taken: Mr. Shelton – Yes, Mr. Sadler – No, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes, Ms. Evans – Yes. The motion passed.

Again, more comments from the public were made.

Mr. Laxton 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

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Motion_____

A MOTION TO REMOVE OR CONFIRM THE APPOINTMENT OF COMMERCIAL POINT POLICE OFFICER JOHN A. MURPHY PURSUANT TO § 737.16 AND § 737.17 OF THE OHIO REVISED CODE.

WHEREAS, Ohio Revised Code § 737.16 requires the mayor of the village to appoint all police officers; and

WHEREAS, Ohio Revised Code § 737.17 requires the legislative authority of the village to remove or finalize a police officer's appoint at the end of a probationary period; and

WHEREAS, the Village of Commercial Point cannot discern any appointment of Officer Murphy by a prior administration, but desirers to conform with the Ohio Revised Code; and

WHEREAS, the Village of Commercial Point cannot discern any confirmation of Officer Murphy by any prior legislative authority, but desires to conform with the Ohio Revised Code; and

WHEREAS, the Mayor of Commercial Point has transmitted a record of Officer Murphy's service with his recommendation to Council that Officer Murphy should be removed as a police officer for the Village of Commercial Point, Ohio.

NOW THEREFORE, be it resolved by the Council of the Village of Commercial Point, Pickaway County, Ohio, a majority or more of the members elected thereto concurring that:

SECTION 1: The Council of the Village of Commercial Point hereby concurs the Mayor's recommendation for the removal of police officer John Murphy.

SECTION 2: The Council of the Village of Commercial Point hereby authorizes and directs the Mayor to take all formal actions required to accomplish and carry out the decision made in Section 1.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this motion were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Roll Call:

Yes ___ Randy Shelton

Yes ___ Clarence Wissinger

Yes ___ Mark Geiger

No ___ David Sadler

Yes ___ Brad Laxton

Yes ___ Nicole Evans

Adopted this 28th day of April, 2014

Joe Hammond, Mayor

Wendy Hastings, Fiscal Officer

Approved as to Form:

Michael D. Hess, Law Director