

**VILLAGE OF COMMERCIAL POINT
SPECIAL COUNCIL MEETING MINUTES
July 21, 2014**

Mayor Hammond called the meeting to order. Fiscal Officer Hastings took roll call with the following members present: Mr. Shelton, Mr. Sadler, Mr. Laxton, Mr. Geiger, Mr. Wissinger and Ms. Evans. Solicitor Hess and Chief Jordan were also in attendance. Engineer Grosse was absent.

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

At this time, Mr. Sadler made a motion, seconded by Mr. Geiger to allow citizen's comments during tonight's meeting. A roll call vote was taken: Mr. Laxton – Yes; Mr. Sadler – Yes; Ms. Evans – Yes; Mr. Shelton – Yes; Mr. Wissinger – Yes; Mr. Geiger – Yes. The motion passed.

At this time, Mayor Hammond did a second reading on Ordinance 2014-01 Title Only.

Ordinance 2014-01 – AN ORDINANCE ABOLISHING THE VILLAGE OF COMMERCIAL POINT'S POLICE DEPARTMENT PURSUANT TO OHIO REVISED CODE § 731.10

Mayor Hammond opened the floor for citizen's comments. Mr. Scott O'Neil of 121 Yukon Dr. asked Council before they voted, to look at all options. One of his concerns is, if we do away with our department, employees, cars, equipment, etc., and hire the Sheriff's office, he is afraid the cost per hour will increase after our contract is up. He feels the Sheriff would have us "over a barrel" when the next contract is due and charge us \$ 50 per hour. He asked if Council would still be willing to renew the contract at that cost. He feels this is something Council needs to look at for long term and decide whether that is an option or not. He said he would like to say the Sheriff is honest, he knows he is honest. He said he would like to think that the Sheriff doesn't have any kind of differing tactics and give us a good price and stick with it and not take advantage of what money we may or may not have. Can the Village maintain the contract if it goes from \$ 100,000 this year to \$ 200,000 - \$ 300,000 in the next few years. He asked if the Village could afford to buy new cruisers, guns and other items that would be needed if we decided to have a department again. Mayor Hammond thanked Mr. O'Neil for his comments.

Mr. Jim Kuzelka said he has lived in this Village for almost 30 years and spent 10-12 years on Council. He said his biggest concern is, why this has become a legislative issue and not an administrative issue. He said the police department is basically ran by the Mayor and maybe this is where Council needs to look at. Mr. Kuzelka said maybe a restructure of the department would be the answer. Get a committee together along with the Council and the current police department to make recommendations for some changes and not get rid of the department. He said he as a resident would like to have our own police department. Mr. Kuzelka said the issues that we have had in the past were the Mayor's job to take care of and not the Council's job. Mr. Kuzelka informed Council if they were to poll the residents of Commercial Point, he feels a majority would want to keep our own department, our own identity and our own force to take care of us. He warned Council to be aware of the bearing of gifts from the Sheriff's department. As a rule, in talking to other places that have contracts with our Sheriff's department, they increase the cost after 1st year contract and take a large amount of money out of the coffer. Mr. Kuzelka agrees with Mr. O'Neil that when the contract comes up for renewal, it will increase. Mayor Hammond thanked Mr. Kuzelka for his comments.

Mr. Gary Joiner of 172 Butternut Pass spoke to Council. He said that he appreciates the work Council does and there is a lot to be said about the leaders of a community. He said he was reading an article from the Grove City Messenger yesterday that stated Grove City was the number one place to live in Ohio. One of the reasons the citizens voted this is because of their police department and how secure they feel having their own department. Mr. Joiner said it is a passion to work in law enforcement. It's not a job. He doesn't feel it is something everyone wants to do. Mr. Joiner feels there are many options for Commercial Point to reduce the cost, maintain the identity of the Village and be able to support or restructure our police department however Council chooses. He said he knows Scioto Township and the people at Southern Point are screaming for protection. Mr. Joiner said there are federal grants that would help support us. He reiterated to Council that they are elected officials filling one maybe two terms. Law Enforcement is a profession that is life-long. Mr. Joiner feels Council would be making a great error in doing away with having their own police department. He doesn't feel anyone on Council can say there haven't been issues with the department, but he feels those issues are something that can be managed. Issues have to be managed and not let them fester and grow. He said if it is managed properly, Council can be very proud of having representation that we have in the current police department. He said the officers we have now have a love for our community. They are passionate about their jobs and don't come here to create chaos. He said the issues that we have had, if documented properly, could have been

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handled a different way, but unfortunately Council stands here tonight for a second reading talking about a resolution that he thinks is not appropriate at this time. Mayor Hammond thanked Mr. Joiner.

Mr. O'Neil addressed Council again. He said before this started, no one knew anything about it. He said from what he was told, the Ordinance came out of nowhere. Mr. O'Neil asked whose idea it was for the Ordinance and what was the specific incident or incidents that caused this to happen. Mayor Hammond said the Sheriff became involved because we were down to one 30 hour police officer with two large events coming up, Homecoming and Go-Kart Races. Mayor Hammond said he waited over 30 days and received nothing in a way of a remedy for coverage. Mayor Hammond said he talked with some members of Council, Solicitor Hess and the Sheriff and told them he had a problem. He felt he had one very large event coming up and nothing on his desk as a recommendation for police protection. Solicitor Hess had a meeting with Chief Jordan during this time. Mayor Hammond said Chief Jordan gave Solicitor Hess a few recommendations, however nothing was on Mayor Hammond's desk. By the time this meeting took place, there had already been conversations with the Sheriff's office and contracts drawn up to help get us from point A to point B. Mayor Hammond said there had been advertisements in the newspaper for over 45 days with no recommendations from Chief Jordan or even word there had been any interviews held. Mayor Hammond said in an executive session, it was said that maybe one of the reserve officers could come in to help. Mayor Hammond said that individual had already committed to the Men's Club to be paid for his hours he was working during the Homecoming. Mayor Hammond said there is a responsibility of the leadership to bring something to the table before he looks like a complete idiot. We were coming up on a big event with no police protection. He said there was not one reserve officers that came to his office or recommended by the Chief to say they would help us out. He said this Village ran for 45 days with one 30 hour police officer. He said he patiently waited for something to come forth and nothing did. He felt he had to protect the Village. Mayor Hammond said that is why a 10 week contract was entered into with the Sheriff department. That is how the whole thing started and the reasoning behind it. Mayor Hammond said the Sheriff's department has been working with us and is doing a good job with a lot of positive comments. He said he found out contrary to what he had been told for the last 2 ½ years he had been here, that the Sheriff department is less expensive than what he had been told. Mayor Hammond said he has heard no complaints from the citizens regarding the Sheriff Deputies being here. They are working with Chief Jordan with the scheduling. Mayor Hammond said the Sheriff's department was not in the equation at all until the crisis situation happened. Mr. O'Neil said he wasn't saying that was a bad idea or even out of line. He didn't feel Mayor Hammond answered his first question and asked again, who sponsored the Ordinance. Mayor Hammond referred the question to Solicitor Hess. Solicitor Hess said he spoke with the Sheriff. Solicitor Hess said Mayor Hammond asked him to write up the Ordinance. Mr. O'Neil asked Mayor Hammond if he did initiate the Ordinance. Mayor Hammond reiterated what he had said before about being in a crisis with only one officer working 30 hours a week. He said he did investigate the benefits of bringing the Sheriff on to help us out in this time of need. During the investigation, Mayor Hammond said it was brought to his attention that Sheriff Radcliff wanted to bring Chief Jordan onto his department and be responsible for our Village. According to the Sheriff, Chief Jordan had inquired about working for the Sheriff if this ordinance was to pass. Mayor Hammond said the biggest surprise he got was the price of coverage from the Sheriff after hearing from Mr. O'Neil and others that the Sheriff department was very costly. He said he was very pleased with the proposal. Mayor Hammond feels what needs to be clear is, the Village would be contracting with the Sheriff's office for 90 hours dedicated specifically to Commercial Point. Mayor Hammond said we have increased our hours by 1/3 since he has been here. We had 20 hours of coverage before July 2011. In July 2011 we went to 60 hours of coverage and then 90 hours of coverage in July of 2013. Mayor Hammond said if we contract with the Sheriff, our building would be used as a substation allowing the officers that were being dispatched for the northern part of the county to leave from our building. He feels we would be getting more visibility from the officers. Mayor Hammond said he has no reason to believe the Sheriff would be unreasonable moving forward with contracts. Mayor Hammond would recommend not disposing any of our equipment at this point. Mayor Hammond said one of our vehicles would be marked as "Sheriff". If Council were to decide in the future that it was better to have their own department, they can do so. Mayor Hammond said there are a lot of departments our size that do not have their own departments with the exception of the departments that are generating a lot of revenue. Those departments are for the wrong reasons. Our police department, since Mayor Hammond has been here, has not been a for profit department. Our goal is to protect and serve. He said the Sheriff's office has written a lot of warnings and not a lot of citations. That is what he wants, to not generate a lot of revenue but to protect and serve. Mayor Hammond said the correct answer to the question of was he the author, yes. Why? Much to his surprise, Mayor Hammond said it was cost effective and very professional. Mr. O'Neil said one last thing to Council. He believes our officers are very passionate about the Village and he asked Council to keep the department. He said we have Chief Jordan and Officer Kelly now. We have 2 of the 3 positions filled. He said Chief Jordan and Officer Thatcher put in a lot of hours researching candidates. He doesn't think it would be hard to find one more officer to complete the department. Again, he asked Council to seriously think about keeping the department.

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At this time, Mr. Joiner addressed Council again. He said the way he sees it the issues are centered on the Mayor and not Council. He said he looks at Council for leadership and not the Mayor. Council is responsible for making ordinances and voting on them. He feels there is a lot of business savvy people sitting at the Council desk. He recommends giving the police department an opportunity to heal. He said Council member Sadler did a ride along with Officer Kelly. Mr. Joiner encouraged the rest of Council to do a ride a long and build a relationship between the community and the officers. He suggested extending the contract with the County but do not do away with our police department. He suggested to give the Chief and other officers an opportunity to feel some good solid patrolling and get the department back on track. Mr. Joiner said Mayor Hammond made some statements tonight that he is not appreciative of regarding the community events. He said they were not planned out or scheduled properly as far as from a patrols standpoint. He said he was unaware of the events as a patrolman until the week of. He asked Solicitor Hess if he was also the attorney for New Holland and if they had disbanded their police department. Solicitor Hess said he was the solicitor for, however not during the time when the department was disbanded. Solicitor Hess asked Mr. Joiner what his recommendation was for this department. Was it to remove the Chief? Mr. Joiner said he didn't think that would solve the issue. He said the issue is leadership. He feels the creation of a Safety Committee made up of Council members and citizens that might oversee some of the decisions for the department. General orders being written and guidelines being followed. He feels documentation from the Mayor regarding the Chief is something that is necessary. Solicitor Hess clarified that Mr. Joiner was unaware of the events that were taking place in the community. Solicitor Hess asked Mr. Joiner who he felt was responsible for getting him the information. Mr. Joiner said he felt it was a trickle-down effect. He felt it should start with whoever is in charge of the police department, which is the Mayor. Solicitor Hess said in the Ohio Revised Code, the Mayor has a very limited amount of responsibility over the police department. He said it is the Chief's duty to station and patrol. Mr. Joiner said the only person in the Village that can remove the Chief is the Mayor. Solicitor Hess corrected him and said the only people in the Village that can remove the Chief is Council. Mr. Joiner said it is recommended by the Mayor and then a result of progressive discipline, which has not been done. Mayor Hammond asked Mr. Joiner on what basis does he have that nothing has been documented on the Chief. Mr. Joiner said personnel knowledge. Mayor Hammond clarified to Mr. Joiner that he had personnel knowledge of what Mayor Hammond has written and where it is at? Mayor Hammond said the meeting dates, times and place might not be in the officer's jacket, due to compassion for the officer. He does not want to mess up someone's career. Mayor Hammond said it is not his goal. Mayor Hammond said when he came here, he had a meeting with all the officers and said to Chief Jordan, who he likes and respects and feels is a good man, it was his responsibility to run the police department. He also said he had no tolerance for DUI's and speeding through a school zone. Mayor Hammond said that has been his only directive to the police department. Mayor Hammond said prior to him coming on board, the police department never worked past 7:00 p.m. during the week and never worked weekends and the Village seemed fine with that. He said since he has come on board, we have increased the coverage in hours and scheduled hours have changed. He said only himself, Chief Jordan and the Sheriff know when an officer is working. He questioned Mr. Joiner if that wasn't the better way. Mr. Joiner said he didn't think so. If it was a better way, we wouldn't have an ordinance in front of Council right now to disband the department because it wasn't run properly. Mr. Joiner said that is what Mayor Hammond has said tonight. Mr. Joiner accused Mayor Hammond of saying we are disbanding the police department because it is improperly managed and didn't have anyone to fill the positions for the two major events. Mayor Hammond told Mr. Joiner he was adding words. Mayor Hammond said the Chief's responsibility to him was to man these events. Mayor Hammond said he does not micro manage. Mr. Joiner asked Mayor Hammond in an emergency situation when he found out there was no coverage for these events, did he ever ask the question why. Mr. Joiner asked if Mayor Hammond documented the fact Chief Jordan did not have the coverage. Mr. Joiner said he was asking as a citizen of this Village and told the Mayor it was his job, as a representative of putting him in the Mayor in office, to answer the question. Mayor Hammond said he would answer his question. He suggested to Mr. Joiner to ask Chief Jordan how many times they have had these types of discussions. The fact that the dates are not in his jacket... Mr. Joiner said that was very important. Mayor Hammond said he doesn't want to mess up someone's life. Mr. Joiner feels Mayor Hammond wants to disband the department because he will not discipline where discipline is due. Mayor Hammond said discipline was done, just not followed through. Mr. Joiner said to Council, they were voting on something that was going to affect people's lives because it wasn't managed properly. He said Council wouldn't do this at their own jobs and HR departments won't allow it.

Mr. Kuzelka spoke to Council again. Mr. Kuzelka said the timeline issue is what bothers him. The relieving of Officer Murphy, that put us down to two officers. Then Officer Kelly hurts his back and we are down to one officer. Mr. Kuzelka said it was a good management move to contract with the Sheriff's office during this crisis. Mr. Kuzelka said the timeline of Chief Jordan not communicating with Mayor Hammond regarding the Homecoming and races, is where he is seeing an issue. Mr. Kuzelka feels Mayor Hammond has a problem with the Chief at this point. He said there is

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a serious communication gap between Chief Jordan and Mayor Hammond when he doesn't find out until last minute that we have no coverage for these events. He feels Mayor Hammond made a good decision in getting the temporary help from the Sheriff's office. Mr. Kuzelka feels we can reform a good police department. He suggested sitting down and putting a plan together starting with getting a new Chief if needed. Mr. Kuzelka said he spoke to Mr. Wissinger who feels it is a budget issue. Mr. Kuzelka doesn't agree. Mr. Kuzelka feels our Village deserves to be protected by police officers that are respected in the Village. He continued to say that our department, including Officer Murphy, ran a sting on three homes, including Mr. Kuzelka's, in Commercial Point. Our police department put together a plan including adjoining agencies. The robbers were caught and Mr. Kuzelka received all of his items back. Mr. Kuzelka said there have been many arrests in our Village that are good arrests. He feels putting together a plan that will work for this Village is important. He feels this along with walk paths and other items will attract people to the Village. He said we haven't done that yet. He said we have put in new curbs but no sidewalks to go along with them. He asked Council how they could do this. Mayor Hammond said it was very simple. Mayor Hammond said he was named sidewalk Joe 2 ½ years ago when he took office. In the first year, \$ 150,000 was appropriated and not one dollar was spent by the committee. Last year, \$ 125,000 was appropriated and Council spent \$ 75,000 - \$ 80,000 of it. This year, Mayor Hammond said he asked for more money and Council denied his request. He said his number one priority is safety in this Village. Mayor Hammond said he went to Council and asked for an ordinance that stated the Village would replace any and all sidewalks in the old section of the Village with no cost to the residents. Mayor Hammond told Mr. Kuzelka that he and the rest of Council said no and that they would assess the property owners what it cost to put in the sidewalk. Mayor Hammond said he would not assess the property owners and today as of this point, Council has never passed this type of ordinance. Mayor Hammond said it is allowable and do-able and it lies in the hands of past and present Council. Mr. Kuzelka said he felt very strong about people having sidewalks in front of their homes. Putting them in is one thing, but being responsible for them is another. Mr. Kuzelka said he didn't see anything in the ordinance that said once it was in, it then became the responsibility of the property owner. Mr. Kuzelka said the sidewalks we have in place now are being used and he is proud of that. Mr. Kuzelka ended with saying having the police department and managing it is very important. He feels the Sheriff's department will dwindle with time. Doesn't feel there will be control over the hours being worked. Mayor Hammond said there would be control over the 90 hours under the contract.

Chief Jordan spoke to Council regarding some of the comments that were made during tonight's meeting. He said he has worked here for the last 12 years and has attended the Homecoming. He said at the entrance to the Homecoming, there has always been a Sheriff's trailer sitting there. Chief Jordan said there have always been special deputies present at the Homecomings. Chief Jordan said he doesn't feel we were ever in a real emergency situation due to having the Sheriff on site. He said there were always 3 officers on duty during the festival hours. He said the kart races are coming up and he is working them. Officer Kelly will be here part of the time as well. Chief Jordan said he spoke with the Sheriff regarding this event and they will have a deputy out during the day to assist. Chief Jordan said Officer Jackson will be working the race weekend as well. Chief Jordan does not feel we are at an emergency level with either one of the events. As far as hiring new people, Chief Jordan said he has a few candidates that he and Officer Thatcher have interviewed. He said he has put everything on hold pending the decision that Council will be making. Chief Jordan said he is 90% ready to move forward, but waiting for the decision in August. Chief Jordan said anytime anyone has a question or suggestion, please call him to discuss. He said he was chosen for this position due to the amount of years he had in with the department. Lately with the issues he has with being the only officer working, he has spent more time on the road then in the office being a Chief. Again, Chief Jordan told all people present tonight, go to him with questions, concerns or suggestions. Ms. Evans asked Chief Jordan if he was going to present to Council a proposal to keep the police department since he has applicants. Chief Jordan said he is ready to move forward with filling positions, however with the department status getting ready to be voted on, he was waiting to see what the outcome was going to be. Chief Jordan said he did have one on one conversations with Mr. Laxton, Mr. Sadler and Mr. Shelton to discuss any questions they might have. He is hoping to discuss this with the remaining Council members as well before any decisions are made.

Mr. Shelton said he did as Mr. Sadler suggested and stopped and spoke with Chief Jordan. Mr. Shelton also said he received an email that all of Council was copied on from Officer Kelly, offering to do ride a longs with him in the police cruiser. Mr. Shelton said he had the police schedule available should anyone else want to schedule a ride-a-long. Mr. Sadler said the ride-a-long was an excellent experience. He said he was very proud riding with Officer Kelly because of the relationship he has with the residents.

Mr. Matthew Karg spoke to Council. Said he has been around the Village for the last 30 years and has seen a lot of good and bad with the police department. His biggest question was to Mayor Hammond to confirm he was the one who wrote the ordinance. Mayor Hammond said yes, he was the one who asked Solicitor Hess to create the

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ordinance for the Village. Mr. Karg said he remembered hearing Mayor Hammond say at a township meeting, that he was a nobody in this Village because the Council had more power than he did. Mayor Hammond said Council has all the power. Mr. Karg asked why 2-3 days before this ordinance was written, did the members of Council not know about the ordinance. Solicitor Hess said it wasn't uncommon, whether it is a Council member, Mayor or other citizen of the Village, to say "Here is what I want to bring to Council. Will you write it up for me?" He said it was not unusual for someone to want to bring something to the legislative board to see what they have to say about it. Mr. Shelton told Mr. Karg that Council cannot vote tonight on this issue. He said Council is taking the full 30 days to fully understand what options are available to Council. They would like to get as much feedback as they can to make the best decision possible. Solicitor Hess said the Mayor can't call each individual Council member and say, "this is what I am planning on doing, what is your feeling on it." Everything has to be done in an open public meeting.

Mr. Shelton made a motion, seconded by Mr. Laxton to adjourn the meeting. All members were in favor. The meeting adjourned.

Joe Hammond, Mayor

Wendy Hastings, Fiscal Officer