

VILLAGE OF COMMERCIAL POINT
COMMITTEE OF THE WHOLE MINUTES

September 23, 2013

Mr. Cruz called the meeting to order. Fiscal Officer Hastings took roll call with the following members present: Ms. Evans, Mr. Shelton, Mr. Wissinger, Mr. Thompson and Mr. Cruz. Mayor Hammond and Engineer Grosse were also present. Ms. Gooden-Kinney and Solicitor Hess were absent.

Mr. Wissinger made a motion seconded by Mr. Thompson to approve the August 19, 2013 COW Minutes. All members were in favor. The motion passed.

Solicitor Hess reported that he had attended the Grove City Council's public hearing that was held on the proposed JEDD contract. The item was tabled and will be voted on during their November 16, 2013 Council meeting.

Mayor Hammond had nothing to report at this time.

Engineer Grosse reported that a section of the new sidewalk in phase 3 in front of Mr. Miller's property had been removed to put in a service line to the property. Engineer Grosse said Columbia Gas will come back and reinstall this section of sidewalk. Engineer Grosse said he is waiting to hear back from 2 contractors regarding quotes for pavement markings. He is hopeful that he will have the quotes for Council at the next regular meeting. Mr. Cruz asked if Engineer Grosse was able to find out if West Scioto Street was actually marked before the paving occurred last year. Engineer Grosse said he was unable to locate any pictures or documents showing the previous markings on this section of roadway. He said he could not confirm whether there were markings or not. He said there is nothing that would require this section to be stripped. That doesn't mean we can't do it. Mr. Cruz asked how we would determine the process of getting them marked. Engineer Grosse said since it was inside the Village limits, we could do it internally and not have to go thru ODOT. Mr. Cruz said we would still have to follow standards. Engineer Grosse said the standard for that section of road would be a double yellow line down the center. He needs to know from Council what they would like him to do. He said he could have this section added to the price quote that he is waiting for. Mr. Thompson and Mr. Shelton feel the road does not look complete without the stripping. They would like to see it included in the quote. Mr. Cruz asked once we start stripping sections, are all roads going to be considered. Mr. Shelton said it is something that can be considered once we repave certain roads. Engineer Grosse said another road to be considered would be Borrer Road. He is not saying it has to be done, however if we do West Scioto Street, Borrer Road should be next. Mr. Thompson asked Engineer Grosse what his opinion was on stripping these roads. Engineer Grosse doesn't feel it needs to be done. With the speed being 25mph, it really doesn't need done. Mr. Thompson is going to see if he has pictures from the Homecoming Parades to see if they can figure out if this section of road was stripped previously.

Mr. Cruz asked Engineer Grosse if he had any updates on the project that was discussed for the center of town. Engineer Grosse said he is waiting for the dirt to come in. He has a contractor that has donated 8 hours of dozer time. Just waiting for the free dirt from Chestnut Estates to be delivered. Mr. Cruz asked where we stand on the closing of certain sections of Oak Alley. Engineer Grosse said

members of Council wanted to have a meeting with the property owners that were going to be affected. He said he and Solicitor Hess can't move forward until Council determines what the next step is going to be.

Mr. Cruz asked Village Administrator Shelton if she had anything to report. She did not and thanked Mr. Cruz for acknowledging her.

At this time, Mr. Thompson said he would like to know where the other members of Council stood with allowing golf carts on the Village streets before he had Solicitor Hess draft an ordinance. Mr. Cruz said since they are driving on the roads already, he feels we should make it legal for them to do so. Mr. Thompson said traveling on St. Rt. 762 is out of the question. No golf cart is to be on St. Rt. 762. Ms. Evans is worried about the residents in the subdivisions trying to travel on St. Rt. 762 to get into town. Mr. Thompson said the residents "getting into town" is not his concern. Allowing them to be driven around in the neighborhoods is what he is looking for. Ms. Evans said traveling on St. Rt. 762 is happening now and it is dangerous. Mr. Thompson said the golf carts are already on the streets. We have golf cart paths crossing Village streets now in the Foxfire Subdivision. Ms. Evans asked if the people who have golf carts now are going to be penalized if their carts aren't up to standards. It is very costly to update to specifications to be legal. Mr. Shelton asked if every golf cart that the Foxfire Golf Course owns will have to be licensed and up to specs. Mr. Thompson said that is something that will have to be looked into. Solicitor Hess said technically, crossing Foxfire Blvd. in a golf cart is violating the statutes as they stand now. Mr. Thompson said he would like to clean up what is happening now and make it legal for the golf carts to be driven on Village streets with a speed limit of 35 mph or less.

Mayor Hammond said this issue has been discussed in great lengths with Chief Jordan. There have been golf carts on our streets for many, many years. He said there is a huge expense to getting a golf cart street legal. Turn signals and head lights are required. Mr. Cruz said it could cost between \$ 800 and \$ 1,000. Mayor Hammond said no issues have been raised, no problems have been brought to his attention and no citations have been issued in the history of this Village pertaining to golf carts to his knowledge. He feels the older people in the Village that drive their carts now, cannot afford to make them street legal. This additional expense would create a hardship for these people. He said no citations have been issued to date. He said it has never been a problem until now. Mayor Hammond said he and Chief Jordan agreed to go on a 30 day trial basis to see if any issue arise with golf carts. He said no citations will be issued at this point. Once the 30 day period is up, he and Chief Jordan will meet again to discuss. Mayor Hammond feels the procedure that is in place now, is a good procedure. No citations are being issued. If a person is on the State Route, it is up to the Sheriff's Department, State Highway Patrol and our Police Department to decide what to do about it. Mr. Thompson said the law is clear. Golf Carts are not allowed on the road. He asked how the Mayor can say to not issue citations. Mr. Thompson doesn't feel that it is that expensive to upgrade the golf carts. Mr. Cruz said if you have a basic golf cart, like what is at the Foxfire Golf Course, it would cost between \$ 800. - \$ 1,000. to upgrade it. He knows because he just upgraded the one that he has. Solicitor Hess clarified a section he read in the statute where a golf cart is allowed to cross a road with a speed limit of 35mph or less, without being street legal. Mr. Thompson asked for clarification that meant we could take the golf course carts out of the equation. Solicitor Hess said that was correct. Mr. Shelton asked how many people actually drive around the Village on golf carts. Mr. Cruz said roughly 6 or so. Mr. Cruz asked if there was a way that we could allow golf carts on the roadways without passing all of the specifications being that we are

a farm village. Solicitor Hess said he had to review the same thing for another Village and he wasn't able to find anything.

Mr. Thompson said on the safety side of it, they would have to purchase insurance for the golf carts. As of now, they don't have to have insurance.

Mr. Cruz said he is in favor of allowing the carts on the streets, however all of the business that the residents would want to go to are all located on St. Rt. 762. Under this proposal, the residents wouldn't be able to get to the businesses. Mr. Cruz said if there is no way of allowing them to get to the businesses, what are we promoting? Mr. O'Neil said in the statutes, it doesn't say you can't drive on a state route. The speed limit has to be 35 mph or less. He said he agrees with Mayor Hammond that we have had no issues, however it has been brought up and Council needs to deal with it.

Ms. Shelton asked if the statutes include the scooters, mini bikes and motorized vehicles that the kids ride around on. Mr. Cruz said it includes all slow moving vehicles. Mr. Thompson said in Circleville's ordinance, it specifically states golf carts. Mr. Cruz said the little vehicles that they see running through Walker Point are not allowed on the streets legally. Ms. Shelton said if we are going to regulate golf carts, should we regulate all motorized vehicles. Mr. Shelton said they are already illegal and already regulated as illegal. Mr. Cruz said if we are going to enforce one type of motorized vehicle, then we need to enforce all types. We can't ticket a child on a scooter and turn our head to an adult on a golf cart. Mr. Cruz continued to say that Council could specify in their ordinance what they will and will not allow on the streets. Mr. Shelton is not in favor of the kids riding in the streets in their motorized vehicles due to safety reasoning. However he doesn't want to ticket these children either. Ms. Evans doesn't want to ticket these children either.

Mayor Hammond asked Solicitor Hess, if there was an injury while driving a golf cart, would the Village would be responsible. Mayor Hammond said he was told, not sure by what attorney, that the Village would not be responsible. The person on the golf cart would be responsible, not the Village. He would ask Solicitor Hess to look into this issue. Mr. Cruz said if we are instructing our Police Officers to not follow the rules and turn their heads and not issue citations, we cannot be doing that. Mayor Hammond said that isn't what was said. Mayor Hammond said he did not instruct Chief Jordan to not issue citations. He asked for a recommendation from Chief Jordan. Mayor Hammond said it was Chief Jordan's decision to go for 30 days and see what happens. Mr. Cruz said if we as a Village take the option to not enforce the law, would we then be responsible. Mayor Hammond said wouldn't that be the same as issuing a warning. Solicitor Hess will look into and report back to Council.

Mr. Cruz asked Fiscal Officer Hastings to add the topic of golf carts to the next COW agenda. He feels maybe more information from Mr. Hess will allow Council to either move forward with this or decide to go another way. Solicitor Hess confirmed the questions that he will be answering for Council: 1) who does the liability fall back on; 2) what jurisdiction do the highways fall under being inside the Village corporation limits.

At this time, Mr. Shelton informed Council that he would not be at the Regular Council Meeting on October 7, 2013 due to being out of town for work.

Mr. Cruz announced that the Pickaway County Commissioners will be conducting an open to the public meeting on Tuesday, October 1, 2013 at 1:30 at the Municipal Building.

Mr. Scott O'Neil asked if it was too late to put hot patch down. Engineer Grosse said no. Mr. O'Neil said a hole is forming at Congress and Main Streets where they put the new sidewalk in. Also by 119 and 121 Yukon Dr. there are pot holes. Mr. Cruz asked the Roads Committee to make a sweep of the Village to see if any other spots in the Village needed to have hot patch placed before winter sets in.

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

Kimberly Gooden-Kinney, President of Council

Wendy Hastings, Fiscal Officer