

VILLAGE OF COMMERCIAL POINT
COMMITTEE OF THE WHOLE MINUTES

December 15, 2014

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

Mr. Wissinger made a motion seconded by Mr. Geiger to approve the November 17, 2014 COW Minutes. All members were in favor. The motion passed.

Solicitor Hess informed Council that there were representatives from Westport Homes in attendance tonight. He said they are here to do a presentation on a pre-annexation agreement. Solicitor Hess said he and Engineer Gross and Mayor Hammond had a meeting with Westport regarding what their plans were. Solicitor Hess said he anticipates having a pre-annexation agreement before Council at the first meeting in January. He said there would be zoning issues as well that Council will have to be aware of. He said this presentation tonight was for Council to ask questions and receive information on the process of annexation. Solicitor Hess said the representatives from Westport have been very easy to work with and have provided a lot of information to us.

Mayor Hammond reported Mr. Daniel Kaltenecker became an employee on December 6, 2014. He has been sworn in and he is working as a 30 hour part time police officer. Mayor Hammond said Officer Kaltenecker is recently out of the Military and had served four tours overseas in Iraq. He said he is a college graduate and very excited to be working. Mayor Hammond said Mr. Cline accepted a full time plant operator position at the Utility Department on December 6, 2014. Mayor Hammond said Officer Matt Greathouse, who had been working the less than 30 hour position, has accepted a 30 hour position that he will start on December 20, 2014. Mayor Hammond said this leaves us with one position available as a full time plant operator at the Utility Plant. He said Village Admin Shelton is working with Superintendent Thompson in gathering resumes. Once this position is filled, we will be up to full staff. Mayor Hammond said he requested the Police Department be here 6:30 a.m. – 4:00 p.m. every day that there is school. He said he had asked Chief Jordan to use the other hours as he sees fit. He said his main goal is that the children are safe. Ms. Evans asked if there had been any more discussion with the school as far as having a crossing guard at the crosswalks. Mayor Hammond said it is not something the Village can or should do. He said the school has a PTO and that is where these concerns should be directed. Mr. Shelton said the Village's responsibility is to have police protection while the children are in school, getting ready to catch a bus and when they are coming home from school.

Mr. Shelton reminded Council that Engineer Grosse is not able to attend our monthly COW meeting due to a conflict with his work. He said any items that need to be discussed with Engineer Grosse can either be discussed by phone or email prior to the meetings. He also asked Council to consider changing the day for the COW meetings so Engineer Grosse can be in attendance.

At this time, Jack Mautino, President of Westport Homes in Ohio introduced himself and the gentlemen that came with him tonight, Mr. Tom Hart and Mr. Jim Watkins. Mr. Mautino handed out a proposed

development plan that would set adjacent and north of their current Chestnut Estates development. Mr. Mautino said the current development has roughly 16 lots left to build on and has been a very successful community for Westport Homes. He said the proposed location would need to be annexed from the township into the village along with rezoning the land from agricultural to PUD. He said they are looking at similar lot sizes and zoning to what they have in Chestnut Estates. Mr. Hart said Mayor Hammond had asked them to put together a timeline as to what is to occur. Mr. Hart handed out a rough timeline including an annexation timeline and a zoning timeline. Mr. Hart said they will be asking Council to agree to a pre-annexation agreement. He said what this will do is match up the legal process and state code for annexation to the Village's zoning procedures. He said a pre-annexation agreement in Ohio sets out the rights and responsibilities of the parties, which in this case would include the land owner, developer and the Village. He said the land owner and developer are asking for this agreement to show what services will be provided by the Village; safety measures, utilities, zoning codes, etc. He said what this agreement does is gives all parties involved clarification. Mr. Hart said this agreement allows the developer to not move forward with the annexation if the zoning doesn't work out for them. He said the pre-annexation agreement gives everyone involved some type of certainty. He said it is very important for Council to know that this pre-annexation agreement does not lock the Village in to anything. Mr. Hart said the bottom line is the Village gets to decide its own destiny and figure out what is appropriate with what they are proposing. Mr. Hart said they would like to stay consistent with what is already in place in Chestnut Estates. He said the existing Chestnut Estates development came into the Village in the exact same way they are proposing the new addition to come in. Mr. Mautino showed the residents a large scale map of the area in which they are looking at. He said the neighbors, Mr. Isaac and Ms. Jenkins have been approached by Westport Homes regarding joining the annexation process. He said they both had expressed some interest. He said the Faith Baptist Church is already annexed into the Village. Mr. Mautino explained where the connection streets would join the two sections, existing and proposed. He said a new entrance would be established coming in off of Welch Road. He said they are proposing 146 home sites for this new section with similar lot sizes to what is already in existence in Chestnut Estates. Mr. Watkins said he had spoken with Engineer Grosse regarding the possibility of putting up a new water tower on this proposed piece of land. He said they are currently looking at doing a traffic impact study.

At this time, an open discussion took place with some of the topics being, conversations with the schools to make sure they could house more students, farmers from joining fields concerns with water shed issues, possible park space in the new section, issues with the current park in Chestnut Estates, PUD explanation, HOA transitioning to the residents, extending current HOA to include new section of development, protecting the children in the neighborhood from going onto the neighboring farmer's fields, fencing all around the development. Solicitor Hess said these are the things that Council needs to think about and have more discussion. He said Westport would like to see this move along and there will be a pre-annexation agreement in front of Council at the January meeting. He said the zoning would also be a topic of discussion in the near future.

Misty Laxton asked if there was a way for the residents to contest the new section being added for the HOA's sake. She said there are a lot of people in Chestnut Estates that want to do away with the current HOA. Mr. Mautino asked if they want rid of the HOA or the management of the HOA. Ms. Laxton said the management of the HOA. Mr. Mautino said for them, it is 50/50 for them to start a new HOA. He said if this new section would move forward, logically it would make sense to join them together as one

HOA. He said he has heard before from other areas that they want to do away with their HOA as well, however don't want the responsibility of having to tell their neighbor that their fence doesn't meet standards or the color they want to paint their front door doesn't follow suit with what's allowed. He said he has also seen very successful transitions as well. Mr. Mautino said if they felt it was in the best interest of the residents to do away with the HOA, then that is what they would do. Mr. Hart said there would be meetings with the residents of Chestnut Estates before they would come to the Village and hold public hearings. Mayor Hammond said in some of the discussions, it was mentioned that the new section could have rules that were different and possibly offensive to the original development. He said they discussed continuity and consistency. He said the one thing they were persistent on was the pond. Presently the homeowners own part of the pond. He said the Village has no interest in the ponds. He said Engineer Grosse, Solicitor Hess and himself, were all on the same page and want that to be duplicated in the new section as well. He said the Village doesn't want the responsibility of the ponds.

Mr. Wissinger asked who will be paying for the plant expansion. Mr. Mautino said they are looking at doing some flow tests to test the water pressure in the area. Mr. Mautino said Engineer Grosse said we are ok with sewer capacity as of now. Mayor Hammond said there was one water pipe that may not be adequate in size to handle the new development. He said we might have to go to a larger size pipe to handle the pressure issues. He said it was his understanding that if this is needed, the developer would be responsible for the cost. Mr. Watkins said he will be working with the fire department to test the flows and then he can draw up a model to figure out what is needed. He said worse-case scenario is upsizing some of the waterlines in this area or a possible booster station. Mr. Mautino said in discussions with Engineer Grosse, they had talked about an additional fee on top of the sewer tap costs. He said he hasn't heard a final number yet from Engineer Grosse. He said the possibility of a TIF was also discussed. Ms. Evans asked if questions on the traffic study, capacity issue and other big concerns will be answered before a decision has to be made by Council. Solicitor Hess said the answers to these questions will not be answered before the pre-annexation agreement. He said confirmed that the pre-annexation agreement does not bind the Village into anything. Mr. Hart said they would expect to enter the public hearing process once the zoning application has been submitted. He said they would hopefully have answers to these types of questions along with neighborhood meetings before the first public hearing. He said they wouldn't ask Council for a decision until all of these questions were answered.

Mr. O'Neil asked if Westport Homes was against impact fees. Mr. Mautino said impact fees would be something that Council would have to vote on. Mr. Hart said typically there has to be a study done to back up any impact fees with justification for adopting an impact fee ordinance. Mr. Mautino said it wouldn't impact only this development, but any new developments in the Village as well. Mr. O'Neil asked if the Village or the developer would conduct the survey. Solicitor Hess said the Village would have to do it and as of right now, we have no impact fee ordinance.

Ms. Evans asked when the original Chestnut Estates was started. Mr. Mautino said either 2004 or 2005. He said it originally started as Beazer Homes and was then sold to Westport Homes. He thinks the first home was built in 2005 or 2006.

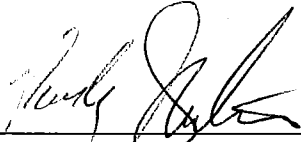
Mr. Struckman asked a few more questions regarding the water shed. There was discussion as to what will happen with the water shed. Mr. Watkins offered to walk the property with Mr. Struckman and Mr. Ehman to figure out the best options for all. Mr. Watkins said the information that the farmers have

regarding tile in the area is very important information. Mr. Struckman suggested getting the fire chief involved to make sure that he is in agreement with what is being proposed for this new development. Mr. Mautino said the final plans would not be presented to Council until all of these issues were addressed. He said Engineer Grosse would be involved as well.

Mr. Ehman is concerned with the water in this area. He said he has seen water across the driveway on the property owned by Mr. Isaac. Mr. Ehman doesn't think a big enough pipe can be put in to handle the water. Mr. Mautino said this is where the retention pond would come into play. Mr. Watkins said he understood Mr. Ehman's concerns and is willing to walk the property and work through the issues. Mr. Shelton asked if the pond would hold water in it all the time. Mr. Watkins said yes. He said it would be like the existing ponds in Chestnut Estates.

Mr. Shelton ended the meeting with wishing everyone a very Merry Christmas.

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



Randy Shelton, President of Council



Wendy Hastings, Fiscal Officer