

## RESOLUTION 03-2023

### **A RESOLUTION AUTHORIZING FARMERS' MARKETS, FOOD TRUCK FESTIVALS, HALLOWEEN FEST AND CHRISTMAS FEST ON CERTAIN VILLAGE-OWNED PROPERTY DURING CALENDAR YEAR 2023.**

**WHEREAS**, the Village of Commercial Point is authorized by Ohio Revised Code Section 715.01 to hold, manage, and control property owned by the Village; and

**WHEREAS**, the Village of Commercial Point owns certain property located in the Old Town of Commercial Point, specifically, Pickaway County Auditor Parcel ID Nos. L28-0-003-00-024-00, L28-0-003-00-023-00, L28-0-003-00-022-00, and L28-0-003-00-019-01 ("Village Property"); and

**WHEREAS**, the Village Council wishes to authorize the use of the Village Property for farmers' markets, food truck festivals, a Halloween festival and a Christmas festival to take place during calendar year 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:**

**Section 1. Authorization for use of Village Property for Farmers' Market Saturdays.** The Village Council hereby authorizes the use of the Village Property for farmers' markets to take place on the following dates: May 6, 2023; June 3, 2023; July 8, 2023; August 12, 2023; September 9, 2023; and October 7, 2023 ("Farmers' Market Saturdays"). "Farmers' market" shall have the same definition as the definition of farmers' market in Ohio Administrative Code Rule 901:3-6-01(B)(6).

**Section 2. Authorization for use of Village Property for Food Truck Festivals.** The Village Council hereby authorizes the use of Village Property for food truck festivals to take place on the following dates: May 20, 2023; July 15, 2023; and August 12, 2023 ("Food Truck Festivals"). For purposes of this Resolution, "food truck" shall be defined as a vehicle propelled by an engine and which has been specifically designed or used for mobile food vending. "Food" shall mean a raw, cooked, or processed edible substance, ice beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

**Section 3. Authorization for use of Village Property for Halloween Fest.** The Village Council hereby authorizes the use of Village Property for a Halloween festival to take place on October 7, 2023 ("Halloween Fest").

**Section 4. Authorization for use of Village Property for Christmas Fest.** The Village Council hereby authorizes the use of Village Property for a Christmas festival to take place on December 2, 2023 ("Christmas Fest").

**Section 5. Parks and Recreation Committee to Implement this Resolution.** The Parks and Recreation Committee of the Village Council shall generally be responsible for the implementation of this Resolution, but the members of such Committee shall receive no additional compensation beyond the compensation established by Ordinance 2021-10 and Village of Commercial Point Codified Ordinances Section 220.14.

**Section 6. Closure of Streets in the Vicinity of the Village Property.** The Village Council hereby authorizes the closure of the public streets that abut or are adjacent to the Village Property during Farmers' Market Saturdays, Food Truck Festivals, Halloween Fest and a Christmas Fest. The Mayor and Police Chief are authorized to take whatever actions they deem necessary and appropriate to ensure the safe closure of such public streets and shall, in cooperation with the Parks and Recreation Committee, determine the duration of such closures during the Farmers' Market Saturdays, Food Truck Festivals, Halloween Fest and Christmas Fest.

**Section 7. Waiver of Liability by Farmers' Market Participants Required.** Each farmers' market participant shall be required to execute a waiver of liability form approved by the Village Solicitor, which generally shall hold the Village of Commercial Point harmless of any injuries or damages sustained as the result of any negligence of any farm market vendor or the Village on any Farmers' Market Saturday. Each farmers' market participant shall be required to abide by the requirements of Ohio Revised Code Chapter 3717 and Ohio Administrative Code Chapter 901:3-6, as applicable.

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**Section 8. Waiver of Liability by Food Truck Vendors Required.** Each food truck vendor participating in any Food Truck Festival shall be required to execute a waiver of liability form approved by the Village Solicitor, which generally shall hold the Village of Commercial Point harmless of any injuries or damages sustained as the result of any negligence of any food truck vendor or the Village during any Food Truck Festival

**Section 9. Food Truck Vendors Shall Name Village as Additional Insured and Comply with Ohio Revised Code Chapter 3717.** Each food truck vendor participating in any Food Truck Festival shall be required to name the Village of Commercial Point as an additional insured on the vendor's certificate of liability insurance and show proof of the certificate naming the Village as an additional insured to the Parks and Recreation Committee in advance of any Food Truck Festival in which the food truck vendor wishes to participate. All food truck vendors shall comply with Ohio Revised Code Chapter 3717, as applicable, and all rules and regulations thereunder.

**Section 10. Open Meetings Certification.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 11. Effective Date.** This Resolution shall take effect and be in force from the earliest date allowed by law.

Vote on Passage of the Resolution:

Motion by: Audrea Ratliff

2<sup>nd</sup>: Laura Wolfe

Roll Call:

Yes Nancy Geiger

Yes Ryan Mitchem


Yes Laura Wolfe

Yes Ross Crego

Yes Audrea Ratliff

Yes Stacey Plybon

Adopted this 6<sup>th</sup> day of February, 2023.

  
Allan D. Goldhardt, Mayor

  
Wendy L. Hastings, Fiscal Officer

Approved as to Form:

  
Joshua Cartee, Village Solicitor