



Village of Commercial Point
Committee-of-the-Whole Minutes
November 16, 2020

Mr. Thompson called the meeting to order at 6:32 pm. Administrative Assistant Baldwin took roll call with the following members present: Ms. Joiner, Mr. Mitchem, Ms. Wolfe, Mr. Thompson and Mr. Grassel. Mr. Moore was not present.

AEP & SCP Franchise Discussion:

Ms. Wolfe asked if information requested from the previous meeting has been received from the SCP representative. Mayor Goldhardt said he understands council is not interested into entering into a 25-year agreement and he is ok with that. He reminded council that AEP had requested a one-year agreement with a one-year advance notice on their contract. He advised Council that Mr. Pacheco, outside council, said he can change the wording to meet what council desires. The Mayor said the biggest issue is if Council wants to grant exclusivity in the agreements. Ms. Joiner asked if there are any benefits to the Village if we don't offer exclusivity. She understands that there is only one building in the K-Nova development that AEP does not have, however the email from SCP said that they already work with Van Trust and have a good working relationship. Council suggested just keeping things the same.

International Property Maintenance Code Issue:

Village Solicitor Cartee advised Council that this is currently part of the Village Zoning Code. He said this discussion is to see if council would like to keep this in the Zoning Code, remove it or keep parts of it. Mayor Goldhardt explained that there is a situation which involves a complaint filed regarding a residential home in the village. He said Zoning Administrator Kuzelka had spoken with a resident and issued a violation notice. Solicitor Cartee has also sent a letter outlining the violations. At that time, the resident did clean up around the house and received an estimate for repairs, however, they cannot afford to have the work completed. Mayor Goldhardt asked Solicitor Cartee to explain to Council what their options are. Solicitor Cartee advised Council that one option is to have the Zoning Administrator assess fines, but they probably would not pay them. Another option is for Council to have the property declared a nuisance if there is illicit activity going on. He said they would need to have a solid police record of surveillance to prove it in order for that to work. The Council could declare the property a nuisance because it fails to meet the standards under the IPMC, but then it would have to go to court. He said there are several possibilities that would come from this. He said it is not clear if any of this would work. He admitted that at the end of the day, there are not any good options. He said the neighborhood could form an HOA, which the village would not be involved in. Then the neighbors could start enforcing the rules. He said the village should be "hands off" in that type of situation. Ms. Joiner asked if we deemed it a nuisance, are we evicting them? Solicitor Cartee said it isn't an eviction, but we could place liens or force it into a Sheriff's sale. Mr. Thompson asked what happens if we remove this section of the code. He thinks it is loosely written and not what the Zoning Administrator should be worrying about. He said this property is going to cost the Village money and the end result could be the same. He stated that he does not support the Village ultimately forcing someone from their home. Solicitor Cartee said the Village would have to be aware of the precedence that it would set in enforcing this particular section of the zoning code. It would then have to be enforced on everyone within the Village. Mr. Thompson asked if it was an option to remove this section from the current code. Solicitor Cartee said they can remove it and the village would not have the clear authority to enforce "chipping paint" and similar issues. Mr. Grassel said this situation is not just about "chipping paint". He said there are other issues that affect the neighborhood. He said they have to consider the other neighbors. Mr. Thompson said some of the items in the IPMC are addressed in other parts of the Zoning Code. Mr. Thompson said he is 100% against putting anyone out or burdening them with fees they cannot afford. He feels these are "HOA type" issues and the Village should not get involved in them. Ms. Joiner said the neighbors can form an HOA if they want and agrees with Mr. Thompson that this should not be a Village issue. Mayor Goldhardt said the IPMC also deals with items on the interior of the house and the Village does not have anyone certified for that type of enforcement or inspection at this time. Mr. Grassel said we should have discretion in this. He is hesitant to remove that portion of the code and asked how bad does a house have to be before the Village would take some action on it. Mr. Thompson said he feels we have those protections in other parts of the Zoning Code. Mr. Grassel said this issue is based on complaints. He agrees and wishes they would form an HOA to handle it, however he is against removing this section of the Zoning Code. Solicitor Cartee said chapter 3767 in the ORC will always be there and will provide the village some authority in these types of situations. Mayor Goldhardt asked how council would like to proceed. Mr. Thompson thinks we should remove this section from the Zoning Code. Mayor Goldhardt asked if they would like the Solicitor to prepare an ordinance for next meeting. Council said yes.

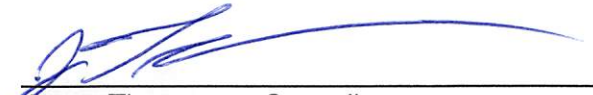


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Upcoming council Items:

Mayor Goldhardt gave an overview of the council agenda for the following meeting. He advised we will have a Public Hearing on December 7, 2020 at 6:45 p.m. for the Van Trust variance request regarding the number of trees and parking spots. He said the CRA Housing Council will be on that agenda as well and that Council needs to appoint three people to that committee.

A motion to adjourn was made by Ms. Wolfe and seconded by Ms. Joiner. All were in favor, the motion passed and the meeting was adjourned.



Jason Thompson, Councilman



Wendy Hastings, Fiscal Officer