

**Village of Commercial Point  
Council Meeting Minutes  
May 21, 2018**

Mayor Joiner called the meeting to order, followed by the Pledge of Allegiance. Fiscal Officer Hastings took roll call with the following members present: Ms. Wolfe, Mr. Grassel, Mr. O'Neil, and Mr. Thompson. Mr. Townsend and Mr. Moore was not present. Village Administrator Crego and Engineer Grosse were in attendance. Solicitor Hess was not present.

Administrative Reports:

- A. Mayor-Mayor Joiner said he had a PowerPoint for everyone to review however due to technical difficulty, he would not be able to present it. He said there are questions regarding a fence along State Route 762 and a pond at Chestnut Estates. He said this is not a done deal. This is something that is still being worked on with the Village Administrator and Zoning Inspector. He said he has heard information that has been placed on Facebook that is not accurate. He said they are not looking to put a fence around the entire pond. He said there is a walkway that runs along 762, about 12 feet. He said they have had several complaints of children playing around the edge of the pond and getting inside of the manhole, crossing underneath 762 and we deem this to be a safety hazard. He said it is 288 feet of split rail fencing. He said every pond but this one has a split rail fence. He said it is not done so much as a way of keeping kids out but more of a deterrent. He said he does not want to have to tell a family that they have lost a child and we had the ability to prevent it. He said he has roughly priced it out at \$4000. He said it is in a public easement, not private property as indicated on Facebook. He said the Newsome's who have a piece of property that borders that will pay for their own attachment from their home to where the village places one. He said he has heard other things that it is not an appropriate fence. He said the standard fence has already been set by the other fence. He said we can't do anything for past administration, we can only try to make it better. He said again, it isn't a done deal, there are legal ramifications and make sure we do everything in accordance with HOA guidelines as well as what we are allowed to do as a village. He said we are expecting the water tower to be painted by Homecoming. Mayor Joiner said he would like to commend the water department for Walker Point. He said they have placed a water connector around Walker Point and they may be seeing better water pressure. He said it is unfortunate what the township is doing with the recycling bins, but that has nothing to with the village. He said what they chose to do is their choice, much like us. He said we are working to remedy that with no cost to the residents so please stand by. He said it is more about a place for the receptacles.
- B. Village Engineer –Engineer Grosse said he drove by Chestnut Estates and they are in the air painting the tower as we speak. He said we did put out RFQ for the proposed new water plant. He said we have received 5 proposals. He said they have narrowed that down to three. Engineer Grosse said they will be invited to come in for an interview process to narrow down to one. He said he expects this process to take another 30-45 days before they can get an Engineer on board to have something to present to council. He said another items he would like to present to council is the raw waterline has a bid opening on May 24<sup>th</sup> and hopefully will get some good bids. He said there are a lot of good things going on. Mr. O'Neil asked for an update on the cost estimate on Walker Road. Engineer Grosse said he and VA Crego have discussed it but have not had a change to finalize anything with the other projects going on.
- C. Village Solicitor- Not present
- D. Police Department- Not present. Mayor Joiner said we had 8 officers on bike patrol last week during the middle school walk. He said there was a very good turnout.
- E. Village Administrator- VA Crego said in response to Mr. O'Neil's question on Walker Road, they have not gone any further on that because in order to do the research they are talking about they will spend \$4000-\$6000 just finding out what it will cost. He said

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they have ideas though. He said regarding the new zoning code, they now have a public meeting scheduled for July 2<sup>nd</sup> at 6:00 before the regular council meeting. He said when it goes out in the paper it will have a 30 day review period and we will have a paper copy available in the office to review as well as if anyone would like an electronic copy. He said we are also updating the standard drawing and specification book. He said we discussed a year ago about a TIFF. He said the Petit property is now in a position where we need to decide to go ahead and get this in the works. He said the intention is to move ahead with the TIFF process on the Petit property and the school system will be made whole and the difference will be redirected to the village. He said the Welch Road is becoming not workable any longer and we need upgrades sooner than later. He said they found out last week the township is losing the recycle bins. He said the number of complaints and unresolved issues they have forced them to remove them. He said we are looking into this for the village, but we will have a time period where we will not have local recycling. He said regarding the CRA, we have discussed over a year ago how funds can be made through abatements. He said in order to use the CRA we have to have it in place and we need to get it back in the loop. He urged council to look into it and refer back to their notes. He said we have a Genoa and West Scioto Green have been completed and great feedback on those efforts. He spoke with Roesse brothers and this section in front of the village office is scheduled to start the day after the holiday and is scheduled to be completed in 3.5 days. VA Crego said they will have a resolution in front of them tonight to transfer funds into street maintenance to get Foxfire taken care of as we planned to do two years ago. He said it is several thousand dollars more than the difference is but this is one of those things where we know we are going to have potholes and curbing. Mr. Moore asked if VA Crego was able to determine what it would cost to just repair. VA Crego said the best guestimate was \$47,000. He said even though it would buy us time he would prefer us to not spend money and then come back two years later and lose that investment. He said he would rather do the project and get it done. He said they have been 25 years with no action done. Mr. Thompson asked what has changed since the Safety Committee meeting? He said during the committee meeting it was presented that they could get a couple more years. VA Crego said it could. Mr. Thompson said that was actually your suggestion. VA Crego said we discussed taking care of critical issues now and in a few years come back and complete the project. He said if we have the resources he would rather do it right the first time and be done with it. Mayor Joiner asked what keeps us from not extending this out two years and doing the who project at once. He asked if there is anything immediate that has to be fixed this year. VA Crego said we have some significant cracking and it extends thru the base. He said it will continue to deteriorate. He said we can patch it but he does not think this is a wise expense. He said the Engineers estimates is \$229,000, but he feels the actual cost will come in under this estimate and to patch it is \$40,000. He said he just does not think patching is a wise investment. Mr. Grassel confirmed the transfer of funds is to cover the shortage. VA Crego said that is correct, but that money was taken to complete the project in front of the village office. He said the ODOT study said they are 3131 cars per school day. He said outside of town on Scioto Darby, you are down to 1300. Mr. Thompson said in the committee meeting this was discussed and he was under the impression his recommendation Foxfire could wait and he didn't come back to the committee with anything different. VA Crego said he can't make decisions how we spend money, he can just make recommendations on the Engineers information. He said this is something that needs completed. Mr. O'Neil said he has driven Foxfire several times since their meeting and he has not seen any major areas that he recalls as problems, but he is not an expert. He said he thinks the money is better spent on streets like Belshazzar. Mayor Joiner said he agrees. VA Crego said he does not think in 3 years

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we can save enough to do Belshazzar. Mayor Joiner said it would be his recommendation that they concentrate on the heavily traveled roads and ones like that can be done sometime in the future. Mr. O'Neil said maybe next year we put money into it. Mr. Moore asked if we have an assessment of all the roads in the village. VA Crego said no everything is visual. He said the budget has never allowed it. Mr. Moore asked if there is a company that he knows of that can research this for us. VA Crego said yes but they are all salesman, not consultants. He said they do not have any license or certifications. He said they are selling road projects. Mr. Moore said he will get a name of a consultant for him. VA Crego said also the cost. He said again we are looking at the budget. He said we have routinely budgeted \$200,000 a year for road repairs. Mayor Joiner said when we started looking at these RFQ's, he said some engineering companies actually writes grants so that is what has encouraged us to also look outside of our current one. Mr. Thompson asked if VA Crego has received any quotes on the crosswalk. VA Crego said he has received one quote. He said there are 4 pieces, the walk, the crosswalk, handrail and the people in the area do not want o lose the 4 bushes. Mr. O'Neil asked about W. Scioto Street. He asked if it is a 3 day project. VA Crego said best scenario. Mr. O'Neil asked if we have plans for special duty. VA Crego said Roese Brothers has special flaggers which is part of their packages.

- F. Zoning Inspector's-
- G. Fiscal Officers- Nothing to report

Legislative Reports:

1. Ben Townsend- Not present
2. Scott O'Neil- Nothing to report
3. Jason Thompson- Nothing to report
4. Laura Wolfe-Nothing to report
5. Bruce Moore-Mr. Moore joined the meeting late and apologized for his tardiness. He said he has heard a lot about the Emergency Special Meeting held last week. He said the reason they felt it was important was simply because after the Circleville Herald we wanted to make sure the public had as much information as possible. He said the second items it he would propose they start an alternative finance committee not only to look for our engineer's to help find bonds, but so we can find bonds, grants, look at TIFF finance and alternative finance to help fund some of the projects. Mayor Joiner asked if this is something he would head up. Mr. Moore said yes.
6. Aaron Grassel-Nothing to report

Citizen Comments:

1. Rebekah Wright-Ms. Wright addressed council regarding the Special Council meeting. She said her concern is from what she understand they can have the emergency meeting provided 12 hours' notice to all of you on the council. She said she is to understand it is to hold official government business. She said what was done in 4 min and 12 seconds that cost the tax payers \$300 was everyone signing the memo. She said she does not understand how that was official government business. She said her issue that this cost us \$300. She said the fact is was not open to the floor looked very non transparent and raises red flags. She would like an explanation on how that was deemed worthy government business and of our money. Mr. Moore said they asked Solicitor Hess how he would suggest they proceed. He said due to the sunshine laws it prevents them from doing anything as a group unless there is a meeting held. He said he didn't learn of the additional expense of the \$50 per person until afterwards. He said he is waiving his fee for that particular meeting. Ms. Wright said she respected that. She respectfully asked if the other

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council members would waive their fee for that night. Mr. Thompson said the \$50 was never a thought. He said he does not do it for a living, he would do this for free. Ms. Wright said her point is for 4 min and 12 seconds, could we have an agreement that that \$50 is rescinded? Mr. Thompson said that is on a case by case by person. Ms. Wright asked if someone would make a motion to do this. Mr. Thompson said they can't this to make anyone give it up. Mr. Moore said because it is an individual decision, we cannot pass a motion on it. Ms. Wright asked if they can get a consensus on it. Mr. Grassel said he would consider it but also it wasn't 4.5 minutes. Ms. Wright said it was 4 min and 12 seconds. Mr. Grassel said it was an entire evening he had to allocate to come in here to do it. Ms. Wright said as far as sunshine law, it was not open to the public. She said the public was not able to ask any questions, it was done quick and no one was allowed to speak. She said the allegation in the report were horrible and the fact that it is not being addresses to the public, she has serious issues with. Mr. Moore said she is welcome to address them here. He said the intent of the special meeting was to sign the statement. Ms. Wright said but it wasn't an emergency and we were meeting 96 hours from then, why was it not done in tonight's meeting? Mayor Joiner said it was not an urgency. Ms. Wright said Mayor Joiner preference it as an emergency meeting. Mayor Joiner said no he did not, it was a special meeting which he can do or three council member can do in a 12 hour time spam. He said they felt because of the dissemination of materials across Facebook and other medias that we needed to get information out there that was accurate. He said the report is what it is, he is the one who requested the investigation. He said we still felt there are people who were not privy to the report who were gathering wrong information from the data out there. Ms. Wright said once again, with respect to council, it cost \$300 to address something in 4 minutes and 12 seconds that could have been addressed in tonight's meeting. She said there was not emergency, it wasn't special. Mayor Joiner said it was special. She said she feels it was a waste of out funds.

2. Katelynn Rossi- She asked if council would be seeking HOA approval for fence approval in Chestnut Estates. Mr. O'Neil said he will not be seeking HOA approval because he is not in favor of doing it. Mayor Joiner said he can express what he wants but it is not a council decision. Ms. Rossi asked if it is not a council decision, why is council paying for it? Mayor Joiner said council is not paying for it. Mr. Thompson said people need to understand that all council does is set the budget. He said how money is spent once council sets the budget is out of their control. He said it comes down to the administration. Ms. Rossi asked whose liability it is since they are not going to seek HOA approval. She said she just wants it in a public forum, it is against deed restrictions per the covenant she has sent to zoning that they cannot put a fence on a drainage easement. She said they have been in litigation for this before and they want it on record that the HOA and the citizens of Chestnut Estates will not be responsible for anything if something should come from placing that fence there. She said she understands the safety of putting it there, her concern is for the people she represents and their financial funds they have put forth for the neighborhood. She asked if a fence will be installed in Chestnut Commons around the pond and the bike path? She said from Welch road you can see the bike is about 4 feet away from the pond and there is no fence there. She anticipates heavy traffic with the installation of Pettit's Market. She said if we are treating the one pond by State Route 762 as a liability, are we then going to look at this other community where the developer is still developing in which we will not put this on the taxpayers. Mr. Grassel asked for the location again. Ms. Rossi said Chestnut Commons, off of Welch Road. She said there is no fence, its 4 feet from the pond and it is a steep embankment where a child could easily go off the path into the water. Mayor Joiner said they we are not paying for a fence for the Newsome's property. He said we are paying for the fence on the easement. Ms. Rossi said it is a drainage easement which is their property. Mayor Joiner asked if that is true. Zoning Inspector McCoskey said yes. Mayor

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Joiner asked if we have easement 45 feet from the centerline? Mayor Joiner said speaking for himself, there is an issue there. He said it is a safety concern, regardless if it is a HOA violation, they know kids walk the path. He said what stops one of them from falling in there is nothing is in the way. Ms. Rossi said her question is why aren't we doing the same thing while the developer is still there on the pond if this is a safety issue in the Commons? Mayor Joiner said he has sent Terry Andrews a message today to discuss this issue. Ms. Rossie just wants everyone in the room today to not have to shoulder the cost of that in the future. She said her question is council doing something about it today. Mayor Joiner said yes. Ms. Rossi said who would have liability if the fence is installed on a drainage easement and someone's basements floods if this is not approved by the HOA. Mayor Joiner said if it is something we put up and something we caused, we would have liability. Mr. Moore said this might be better directed to our village solicitor at the next meeting. Mr. Thompson said he wanted her to understand this is not a council decision, this is an administration decision. He said he is not for putting fences on other people's property. He said he does not have all the facts and did not know anything prior to tonight's meeting. Mayor Joiner said we do not go around putting fences on other people's property, this is an extreme case. Ms. Rossi asked if it has anything to do with Pettit's Market? Mayor Joiner said no. Ms. Rossi asked which portion the \$4000 included. Mayor Joiner said just the 288 feet the village is responsible for. Ms. Rossi asked if the mayor's quote included the portion the Newsome's would have to pay. Mayor Joiner said no. He said that is just a guesstimate, something he did online.

**Business Items:**

Mayor Joiner said Officer Writsel's probationary six months are up. He asked for a motion to confirm Officer Writsel. Mr. O'Neil motioned to confirm Officer Writsel, seconded by Mr. Moore. Fiscal Officer Hasting advised she was not aware of the confirmation therefore, does not have anything prepared for the confirmation. Mayor Joiner said nothing stops them from making a motion and asked for roll call. Roll call: Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. Townsend-Yes, Mr. Thompson-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in favor, motion passed.

**Legislation**

For First Reading:

**Resolution 13-2018** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER IT TO THE CONTRACTUAL SERVICES-STREETS ACCOUNT 1000-620-399. Fiscal Officer Hasting said we do not have to waive the three readings. Mr. O'Neil asked if that means there is no motion made it dies? Mayor Joiner said he does not see a reason to make a motion. No motion made, resolution dies.

For Third Reading:

**Resolution 12-2018** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO PROCLAIM SEPTEMBER 2018 "PROSTATE CANCER AWARENESS MONTH". Mr. O'Neil motioned, seconded by Mr. Moore. Roll call: Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. Townsend-Yes, Mr. Thompson-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in favor, motion passed.

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Additional Items:

Mr. Thompson asked if everything was worked out with the Flags of Honor. Mayor Joiner said yes. MR. O'Neil asked they wanted to have any further discussion on the fence. Mayor Joiner said he really does not think they are prepared for it at this time, it is in the solicitors hands, so just table it for now. Mr. O'Neil said he would rather know one way or the other. He would like to discuss it again before the decision is made. Ms. Wright would like to make a recommendation for amendment that we proclaim June as National Breast Awareness month. Mayor Joiner said we will try and get that on the agenda and will have to go through three readings. Fiscal Officer Hastings said she will need to do a Resolution but asked if that is usually in October? Ms. Breech said no.

Ms. Wolfe motioned to adjourn, seconded by Mr. Thompson. All in favor. Meeting adjourned.



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Gary Joiner, Mayor



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Wendy Hastings, Fiscal Officer

\*Minutes provided by Paula Baldwin, Administrative Assistant