

**Village of Commercial Point
Council Meeting Minutes
October 7, 2019**

Mayor Joiner called the meeting to order, followed by the Pledge of Allegiance. AA Baldwin took roll call with the following members present: Mr. Townsend, Ms. Wolfe, Mr. O'Neil, Mr. Thompson, Mr. Grassel and Mr. Moore.

Mr. Thompson motioned, seconded by Mr. Grassel to approve the September 23, 2019 Regular Meeting Minutes. All in favor, motion approved.

Administrative Reports:

- A. Mayor- Nothing to report
- B. Village Engineer- Engineer Grosse advised they had a pre-construction meeting with Scioto Crossing and expect construction on sanitary sewer starting in the middle of the month. He advised the WTP, they have received comments back from the EPA and it will be advertised in the paper in the next 2-3 weeks. He said the bid opening will be sometime in November. He said they have it set up so they can hold the bids for 90 days to give them time to finalize all of the financing. He advised the WWTP, is in the process of working with IBI to develop a scope of services, so they can develop an agreement which will then come to council for approval.
- C. Village Solicitor- Nothing to report
- D. Police Department-Chief Jordan advised he had nothing to report, however in the next meeting he will be requesting a resolution to move funds to replace equipment for weapons and evidence storage.
- E. Village Administrator- VA Crego said the Charter Commission timing is the next council meeting will require the first reading on the ordinance to form the commission and the third reading will follow on the 18th of November. He said this becomes important because 30 days later paperwork has to be filed with the Board of Elections. He said before them tonight they have 2 ordinances that speak to them about the upgrading and improvement of the maintenance contract and new meters. He advised it is with Suez who we have the water tower asset management program.
- F. Zoning Inspector- No report
- G. Fiscal Officer- Not present

Legislative Reports:

- 1. Ben Townsend- Nothing to report
- 2. Scott O'Neil- Nothing to report
- 3. Jason Thompson-Nothing to report
- 4. Laura Wolfe- Nothing to report
- 5. Bruce Moore- Nothing to report
- 6. Aaron Grassel-Nothing to report

Citizen Comments:

Ms. Angela Welsh addressed council regarding her concerns with the pond. She said it is a conflict of interest for anyone on this council who pays HOA dues in Walker Point who stand to financially gain for dumping your pond onto the village. She advised she spoke with the state auditors office regarding this situation. She stated, her same concerns as last time, the safety of the children is still current. She asked them to remember the oath they took to work for all of the village and not just their own needs, she feels due diligence have not been done in this project and discussed the retention pond's purpose. She discussed some of her research and cost involved. She said her other concern is we do not take care of the ditches and not having a street department, they will need to hire addition people. She said regarding Mr. O'Neil's comment if you just place signs, there

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will be no liability, that is not true. She asked if anyone has completed a cost study or checked with the insurance. She discussed the process it goes through once approved through this board. She said she feels it ought to be brought to a vote to the citizens. She also advised no one has come out to Genoa Crossing to look into the Wade Journey Homes situation. VA Crego advised the Engineer and Regional Director for Wade Journey Homes has met with the Pickaway County Building Inspector this past week. He agreed there was no visible change. Ms. Welsh advised her neighbor has pictures of kids playing on the homes. VA Crego asked where are the parents when the kids are playing on them.

Mr. Jimbob Welsh addressed council said he agreed with everything Ms. Welsh said. He said he works for Ashville and they have 11 ponds and the village owns none of them. He said they receive complaints every week from homeowners around the ponds regarding ducks, geese, fences, mosquitos, etc. He said he is all about parks, but no fishing ponds. He said there are several cities with parks, but they have departments as a park of their infrastructure to maintain them. He addressed Mr. O'Neil when he said there is no liability, for him it is personal because they have lost a family member in a drowning. Mr. O'Neil said the previous Solicitor told them there is no liability. He said they have to listen to their solicitor. He has asked VS Shamp to look into it again. VS Shamp said anyone can sue anyone, but generally the code is clear it is a government function and not a municipal liability but it does not mean you cannot be sued. Mayor Joiner said he does not believe a single person on administration is in favor of the fishing pond. He said they understand the liability associated with it. He said they have a good opportunity on the State Route 104 for that or to place a nice park in town. Mr. Townsend said not everyone agrees with the others or feels the same way the other council members do.

Mr. Alan Goldhardt addressed council regarding the horse ordinances. He said it changes a 30 year ordinance to once again allow horses in the village and the other is asking council to put the language back in that council voted 10 months ago to remove from the zoning book. He said in 1989 the original ordinance, the sewage/ water has just been installed. He said development had been a potential problem. He said they in Commercial Point there were farm animals and this will not attract development. He said in the zoning book that was adopted there was an ordinance that said you could have horses again. He said it was given to the Zoning Board to look at the conflicting ordinances and the board met and unanimously recommended to council to do away with the wording the zoning code. He said he saw there are two ordinance on tonight to go back and reverse it so his question is where did it come from and who is pushing it? He said it is his understanding there is property on State Route 104 who has horses and would like in the village. He asked what advantage is there to the village to bringing livestock back into the village? Mr. O'Neil said for a general rule, there is no advantage. He said he did ask the zoning board to look at land of size and put a number on it. Mr. Alan asked what advantage is it to bring those 75 acres into the village. Mr. O'Neil said because they asked to come in. Mr. Goldhardt asked if we are going to jump through hoops every time someone wants to come in? Mr. O'Neil said we can get by with them coming but there could be exemptions for existing use of zoning. Mr. Goldhardt asked why go down this path? He said the last time it took about 15 years to weed it out. He said if they vote for this it is opening up a can of worms and he asked what advantage is this to the residence or benefit to the village? He said he is not going to develop this land. He said the village needs to have billed residents, churches, schools, businesses, they do not need to have farms with livestock. He said all he ask is they vote, please explain to the residents what advantage it is for them.

Ms. Cecelia Festa addressed council regarding the issue in Genoa Crossing. She advised kids have been climbing on the roofs on the homes that have not been completed. She said they have been told something will be done, but nothing has been done yet. Mr. Townsend asked if she called the police. Ms. Festa said yes, she did. She said she also provided the pictures to the officer. She also

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said they discussed the pond will have 2 feet of water to safely walk in but they will continue and drown in the 10 feet and so will she as she tries to save them. She said she would love to have someone come build them a playground so the kids have a place to play in Genoa. She said they pay \$350 a year for an HOA and the kids have nothing to do. Mayor Joiner asked Zoning Inspector Kuzelka to look into the Genoa Crossing issue.

Carol Carfrey addressed council and advised they have an HOA that is responsible for the pond and upkeep and they pay for that out of their HOA fees. She said she is not in favor of this as a fishing pond because it is a liability and drain on the tax payer money. She said there are better things to spend it on, a Fire/EMS levy, and a new water treatment plant. She said eventually we will need new schools. She said their HOA is responsible for their playgrounds and retention ponds, not the village. She feels it should be placed on a ballot.

Mr. Joe Hamond addressed council. He feels the village needs safe passage way for the citizens within the village. He said to his knowledge the village has not poured sidewalks in 4 years, the developers have. He said Petits Market is a tremendous addition to the community, but not providing an alternative walkway along Welch Road. Council forgot them about JEDD. That would have brought free money to the village. He said it would have paid for it. He said we need lighting in the village, we have unprotected above ground pools, many issues and need to move away from the petty stuff. He said from the horse farm, how does the village benefit, we will not receive any tax money. He feels it is a valid point. Why are we annexing a for profit business.

Richard Rickets on behalf of Mr. Struckman said he would like to speak on Resolution 43-2019 which is coming up for first reading. He said he can address it in legislation if they wish. He wanted to request this to be tabled to allow then to work with the residents and staff to come up with a plan more workable. VS Shamp asked him to bring this up now prior to any motions in case there are questions. Mr. Moore asked if they table it, that would give them a change to change their plans with administration and then ask council to remove it from the table. He said that would then circumvent the Planning Commission that denied it. He asked if they are making significant changes to the plan, wouldn't it be best to resubmit it to the Planning and Zoning Commission. Mr. Rickets said yes he agrees they would have ask to ask them to bring it off the table, but the way the zoning code is set up it provides for this scenario to work. It allows for the opportunity to work with staff and council on the concerns. He said he does understand it is possible they need to start over again through the process.

Business Items:

- A. Craig Stevenson, Harrell & Stevenson Civil Engineering firm. He discussed Ordinance 2019-18 a proposal to annex a 10 acre parcel just south of Southern Point and East of Scioto Crossing development. He said he understands when this was before the board prior there were some questions so he is there to answer those. He said one of them is why do they seek annexation. He said they really do not have a development to propose, the property owner is not interested in that, He said is it more due to the size and placement of the parcel. Mr. Moore said originally a resolution brought to council where they agree to provide services and they denied that, he said it is his understanding once that is denied the annexation process probably should not have gone forward with the County Commissioners. He asked for the reason it went forward even though they denied it. Mr. Stevenson said his understanding there was no denial, there was no action taken. He said in order stay

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on track with the timing they felt best to proceed with the county. He said it was more procedural. Mr. Moore said at one point they decided at one point and time not to provide services, he said if they annex it they have to provide services so why should they change their mind. Mr. Stevenson said it is the best interest of the village and this would be a nice addition to Scioto Crossing.

Legislation:

For First Reading:

Ordinance 2019-17 AN ORDINANCE APPROVING THE ANNEXATION OF 74.31+/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP

Ordinance 2019-18 AN ORDINANCE APPROVING THE ANNEXATION OF 10.165+/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP. Mr. O'Neil asked if there is a time table with this. VS Shamp said yes, it can go through the three readings and if not passed within a period of 120 days it will be considered rejected.

Ordinance 2019-19 AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING SPECIFIC PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT, ONCE MADE, WILL DIRECTLY BENEFIT THE PARCELS FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, 5709.832 AND 5709.85

Ordinance 2019-20 AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A SERVICE AGREEMENT WITH SUEZ. Mr. Moore asked VA Crego if this allows for the village to set alerts on residents accounts regarding high usage. VA Crego said yes it does, vs now where we have to wait until the end of the month. Mr. Moore said he understood the initial roll out is 10 meters? VA Crego said yes because we will put those in places all over our system to validate they will read from the most difficult places. Mr. Moore asked about the service payment. He asked if the payment is maintained regardless of the number of meters online. VA Crego said it will be up to the number of meters we have in service now. He

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said we have a number of opportunities so it would be nice to have this onboard to have the new meters online so we do not have to perform a trade out. Mr. Moore asked if the anticipated monthly payments for the new additional homes. VA Crego said no, right now it covers what we currently have. Mr. Moore asked for a list of what the tiers will be so they have an idea of what we will need to expect.

Ordinance 2019-21 AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT WITH SUEZ

Resolution 42-2019 A RESOLUTION APPROVING THE REZONING OF ±32.303 ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO

Resolution 43-2019 A RESOLUTION APPROVING THE REZONING OF 10.83 ± ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO. Mr. Thompson motioned to table, seconded by Mr. O'Neil. Roll Call: Mr. Moore-No, Ms. Wolfe-No, Mr. Thompson-Yes, Mr. Grassel-No, Mr. Townsend-No, Mr. O'Neil-Yes. Motion failed.

For Second Reading:

Ordinance 2019-16 AN ORDINANCE TO REGULATE UNDER-SPEED VEHICLES, INCLUDING GOLF CARTS IN THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO

For Third Reading:

Ordinance 2019-12 AN ORDINANCE REPEALING § 1422.04 OF THE BUILDING AND HOUSING CODE OF THE VILLAGE OF COMMERCIAL POINT, OHIO AND IMPOSING A PARKS AND RECREATION FEE ON NEW BUILD CONSTRUCTION IN THE VILLAGE OF COMMERCIAL POINT, OHIO. Mr. Moore motioned, seconded by Ms. Wolfe to approve. Roll Call: Mr. Townsend-No, Mr. Grassel-Yes, Mr. O'Neil-Yes, Ms. Wolfe-Yes, Mr. Moore-Yes, Mr. Thompson-Yes. All in favor, motion approved.

Ordinance 2019-13 AN ORDINANCE TO AMEND APPENDIX A OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT, OHIO. Mr. Thompson motion, seconded by Mr. O'Neil. Roll Call: Ms. Wolfe-No, Mr. Moore-No, Mr. Grassel-No, Mr. O'Neil-No, Mr. Townsend-No, Mr. Thompson-No. Motion failed.

Ordinance 2019-14 AN ORDINANCE AMMENDING THE 2018 ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT, OHIO. Mr. Thompson motioned, seconded by Mr. O'Neil. Roll Call: Ms. Wolfe-No, Mr. Moore-No, Mr. Grassel-No, Mr. O'Neil-No, Mr. Townsend-No, Mr. Thompson-No. Motion failed.

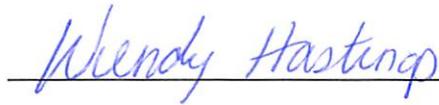
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Ordinance 2019-15 AN ORDINANCE APPROVING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF COMMERCIAL POINT AND K-NOVA LLC. Mr. Moore motioned to table, seconded by Mr. Townsend. Roll Call: Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. Thompson-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes. All in favor, motion approved.

Mr. Thompson motioned to adjourn, seconded by Mr. O'Neil . All in favor, meeting adjourned.



Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

*Minutes provided by Paula Baldwin, Administrative Assistant