

**Village of Commercial Point  
Council Meeting Minutes  
August 5, 2019**

Mayor Joiner called the meeting to order, followed by moment of silence for the Dayton Shooting, followed by the Pledge of Allegiance. FO Hastings 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. Moore to approve the July 15, 2019 Regular Meeting Minutes. All in favor, motion approved.

Mr. Moore motioned, seconded by Mr. Thompson to approve the July 15, 2019 Public Hearing Minutes. All in favor, motion approved.

Administrative Reports:

- A. Mayor- Nothing to report
- B. Village Engineer- VE Grosse said they received 7 RFQ's for the WWP expansion. He said staff will review and narrow it down between 2-3 and if any council member would like to participate in the actual process to please let VA Crego know so he can advise of the meetings. He said the Water treatment plant has 90% plans and they are waiting for final comments back from the EPA, but they are still on track to bid it out this fall.
- C. Village Solicitor- Village Solicitor Shamp said they will have discussion about the park and recreation fees under discussion.
- D. Police Department- Chief Jordan said he will have the July monthly report at the next meeting. He said everything went well at the Go Kart races, had 2 arrest. He said Officer Jackson resigned last month so they have moved Officer McCrabb into the part time status. He said this past weekend Officer Boes has requested to go to reserve status. He said he would like to continue using Officer McCrabb for additional hours instead of looking to fill that position.
- E. Village Administrator- VA Crego asked if there were any questions regarding forming a Charter Village. He said he will ask at each meeting and continue to send information to them about it. He said the only decision they need to make as council is to look at the opportunity to have a charter government and decide they want to do that then it can placed on the ballot next year. He said by the middle of October he would like to pass an ordinance to ask the residents about the forming of a charter government. He said at the same times we need about 20-25 people that will run for positions on a committee of 15 that will be the charter committee. He said they will form it and bring the finished document back to the residents for their approval. He said the importance of a charter village, will allow for a smooth transition from being a village going to a city status. He said they will also discuss the Bellshazzar project in the Business items. He the last few days have been on the verge of crisis for us because Westport has not been able to put down sod for almost a year. He said in the last ten days several homes have had sod laid and in the last 3 days we cannot make enough water to keep up. He said he has drafted a letter to hand carry to the residents involved asking for consideration on the usage for a couple of days. He said the water usage has gone up by 120,000 gallons because of the 24+ lots that had sod laid. Utility Superintendent Thompson said on a common weekend we normally pump 270,000 gallons. He said the plant can handle 570,000 Gallons. He said over the weekend they pumped 440,00 gallons. He said with the rest, technically they used 550,000 gallons. He said he has spoken with the EPA and he is nervous about keeping up. He said they are now getting calls about brown water. He said they are keeping pumps running and backwash filters at the same time, which has caused the brown water. He said when you backwash filters all the iron is being pushed out. He said it is not unsafe, just inconvenient. Mr. Moore asked if he is convinced the 24+ homes is what caused it. US Thompson said yes. Mayor Joiner asked what they are telling the new homeowners about watering their sod. FO Hastings said she believes the cards say

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heavy watering for at least two weeks until everything takes root. Mr. Grassel asked if there are specific recommendation aside from saying don't use water? He asked if there are guidelines we can put out. US Superintendent Thompson said they have discussed several scenarios. He said the tower should be painted the middle of next week and they will need to fill it, disinfect it so they can get it back online. He said we are not running out of water, he just wanted to make that point. Mr. O'Neil said we should think about using Nixle tonight. US Superintendent Thompson said if we want to put out a simple, lets conserve water then he is ok with it. Mr. O'Neil asked if it comes to enforcing conservation, does the ORC and or code book allow for enforcement in the Mayor's Court if needed? He said if it does not, we need to look into it. VA Crego said he has been working on that issues most of the day. He said we have options, but it is a very involved process.

- F. Zoning Inspector- Nothing to report
- G. Fiscal Officer-Fund status as of 7/31/2019: General \$2,043,944.57, Street Construction Maint & Repair \$289,114.58, State Highway \$22,404.68, Parks & Recreation \$3,033.57, Permissive Motor Vehicle License Tax \$7,944.12, Enforcement & Education \$1,824.39, Ohio Peace Off Education & Training \$3,980.00, Housing Developments \$79,005.01, Other Capital Projects \$5,180.00, Water Operating \$2,504,762.90, Sewer Operating \$3,354,837.79, Garbage Operating \$30,923.22.

Legislative Reports:

- 1. Ben Townsend- Nothing to report
- 2. Scott O'Neil- Mr. O'Neil said he is in favor of the Charter.
- 3. Jason Thompson- Nothing to report
- 4. Laura Wolfe- Nothing to report
- 5. Bruce Moore- Nothing to report
- 6. Aaron Grassel-Nothing to report

Business Items:

- A. Annexation with Horses-Mr. Moore said he reviewed the ordinance sent and to him it makes since. He thinks changing the ordinance to add the variance process works. He said he believes they need to include specific size of property per horse. VA Crego said in the original document he sent, it has the wording and if we need to change it they can do it after the first reading. Mr. O'Neil asked how many acres they are asking to bring in as well as how many are used for horses. VA Crego said 74 acres is bring brought in. Mr. Moncrief said he believes 25 acres are used for horses. Mr. Moore asked how many horses they own. Mr. Moncrief said 17. Mr. O'Neil asked what the acres limit is for horses. FO Hastings said 5 acres with not more than 1 horse per 2.5 acres of land. Mr. Moncrief said one of the rules under the offenses code there is reference that mentions prohibited animals and one of them is ungulates. FO Hastings said that is one of the ordinances given to council to change also. Mr. Moore asked if the zoning board looked at the proposal on the acreage allotments and given thought? ZI McCoskey said not, but he can bring it up at the next board meeting. Mr. Moncrief said the owners have no intentions for developing. Mr. Moore asked how quickly it needs completed. Mr. Moncrief said it just passed county so they have 60 before it's in front of council and 120 days to pass it. ZI McCoskey said he can present it but they cannot make any changes until the next meeting. VA Crego said they don't have to make a recommendation. He

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- said this is two ordinances that undoes what was completed in February. He said also by the language except ungulates, accept horses, which corrects the codified Ordinance to match the zoning book.
- B. Belshazzar Paving Project-VA Crego said in the last meeting they asked for a drawing or sketch of the proposed downtown area and where are some of the solar powered LED lights located. He said the nearest LED lights is at Scioto Grove Metro park. He said he feels it would be inappropriate to sketch what he wants because he does not have their ideas. He said he sent a week ago asking for information on their ideas but has not received anything. Mr. Moore said he knows they specifically designated monies to the Parks and Rec fund to have a development plan created for downtown and asked if that was ever completed. FO Hastings said no because they did not know what council wanted to do with Bellshazzar. Mayor Joiner asked for the estimated cost on the engineering fees. VA Crego said about \$36,000.00. VA Crego said the 2013 plan shows the vision and he thought they can look at that and see what needs to be changed. Mayor Joiner said it concerns him that to do the things they bring up, which are good ideas but to do 400 feet is \$330,000.00. He said that is a lot of money. Mayor Joiner thinks there should be a committee together to discuss this and set a vision. Mr. O'Neil said committees are usually not successful and the nest committee is there and they should discuss it now. Mr. Moore said he thought that is what the money was set aside for. Mr. Thompson said he needs someone who knows the business to show him the vision. He said he is not concerned about the park. He said if the road needs done, can we afford it and how quickly can we get it done. He said they want the road done correctly.
- C. Proposed Ordinance for Park and Recreation Fees-Mr. Moore said he understands VS Shamp found out we actually have an ordinance on the books since 1994. He asked if we have found out if this has already been incorporated in our fees? FO Hastings said it must have fallen off because it has not been charged since she has been here. Mr. Moore asked if it is recoverable. VS Shamp said it is not. Mr. Moore requested a change of wording because it used to say renovations, but he thinks new construction and residential makes more sense. Mr. O'Neil said you need to define renovation. He said replacing a roof or a deck no, but if you are tearing down  $\frac{3}{4}$  of your house then why not. Mr. Thompson said leave it at new builds. He asked VS Shamp to draft it for the next meeting. A member asked about including commercial? Mr. O'Neil asked how the scale would be, would it be footage? He suggested using the sliding scale from the Zoning Book to be used as a guide.

Legislation:

For First Reading:

**Ordinance 2019-11 AN ORDINANCE APPROVING THE ANNEXATION OF 57.16+/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.**

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**Resolution 33-2019** A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF ± 28.256 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND DECLARING AN EMERGENCY. Mr. O'Neil motioned, seconded by Mr. Moore to suspend the three readings. Roll Call Mr. Townsend-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Moore-Yes, Mr. O'Neil-Yes, Mr. Thompson-Yes. All in favor, motion passed. Mr. O'Neil motioned, seconded by Mr. Moore to approve the Resolution. . Roll Call Mr. Townsend-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Moore-Yes, Mr. O'Neil-Yes, Mr. Thompson-Yes. All in favor, motion passed.

**Resolution 34-2019** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE CAPITAL OUTLAY ACCOUNT 1000-110-590. Mr. Moore motioned, seconded by Ms. Wolfe to approve. Roll Call Mr. Townsend-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Moore-Yes, Mr. O'Neil-Yes, Mr. Thompson-Yes. All in favor, motion passed.

For Third Reading:

**Ordinance 2019-08** AN ORDINANCE AMENDING THE 2018 ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT, OHIO. Mr. Moore motioned, seconded by Mr. Thompson to approve. . Roll Call Mr. Townsend-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Moore-Yes, Mr. O'Neil-Yes, Mr. Thompson-Yes. All in favor, motion passed.

**Ordinance 2019-09** AN ORDINANCE SPECIFYING THE REQUIREMENTS FOR THE OPERATION OF AN UNDER-SPEED/ UTILITY VEHICLE IN THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO. Mr. Grassel asked what the current state law is on this. VS Shamp said it is 4511.214 and it states no person shall operate one of these vehicles on a street speed limit less than 35 unless the local authority has granted permission. Mr. O'Neil verified it is illegal now. VS Shamp said to permit golf carts on the streets in Commercial Point, this ordinance needs to pass. VS Shamp said in the past they have looked at Ashville and they have decided not to pass anything, but permit them anyways. Mr. Moore asked if there is a difference between how low speed and under speed vehicles are classified and how they are treated under the code. VS Shamp said no person shall operate and under speed, utility vehicle or mini truck vehicle on any street or highway. He said under speed is golf cart. Mr. Moore asked if low speed can be operated regardless of ordinance as long as it is under 35 mph. VS Shamp confirmed yes. Mr. Moore asked for definition between low speed and under speed? VS Shamp

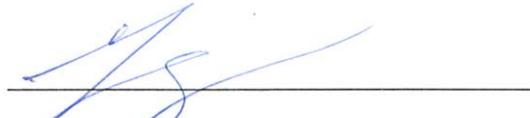
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said ORC 450101 defines low speed vehicle as 3 or 4 wheeled vehicle with attainable speed and 1 miles of paved level surface of more than 20 mph but not more than 35mph. Under speed vehicle is a 3-4 wheeled vehicle including Golf Cart with an attainable speed and on a paved level surface of not more than 20 mph. He said a low speed vehicle can reach 35 mph. Mr. Moore verified as the code is now, if they pass nothing, vehicles that operate between 20-35 mph are allowed on roads in the village. VS Shamp said that is correct, as long as the speed limit is less than 25 and meet all of the requirements. Mayor Joiner said that would keep them from getting on State Route 762. Mayor Joiner asked for a motion to approve. No motions made. VS Shamp said 4511 A1 no person shall operate a low speed vehicle upon any street having a speed limit greater than 35 mph. He said low speed is a vehicle that can go more than 20 mph but not more than 25 mph. He said it defined under speed vehicle (Golf Cart) with an attainable speed of not more than 20 mph. He said you cannot drive a golf cart on the street unless its less than 35 mph an the local authority has granted permission to do so. Mayor Joiner wanted to confirm, if you have a golf cart and it does 35 mph it is good to go. FO Hastings said you must have the ordinance past. VS Shamp said it said if you have a golf cart that goes more than 20 mph, then in his opinion that is a low speed vehicle, which would be allowed. Mr. Grassel asked if it says that a low speed vehicle cannot go faster than 25mph. VS Shamp said yes, not more than 25 mph. Mr. O'Neil said interpreting the law is not their job. He said it's the judges job and their job is to legislate. VS Shamp said if you want to have a golf cart on the street legally, they need something passed. Mr. Grassel asked to table it. Mr. Grassel motioned to table, seconded by Mr. Townsend. Roll Call: Mr. Moore-No, Mr. Thompson-No, Ms. Wolfe-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes, Mr. O'Neil-No. Tie breaker vote, Mayor Joiner-Yes. Motion approved. Ms. Blevins asked for clarification, if they are allowed on the road until the decision has been made. Mayor Joiner said it is up to the Police Department. VS Shamp said in his legal opinion yes. Mr. O'Neil stated he can not give his legal opinion because he does not work for her.

**Ordinance 2019-10** AN ORDINANCE ADOPTING THE EXISTING ZONING FOR PARCEL NUMBER L2700010054400 COMPRISED OF 34.026 ACRES ON DURRETT RD. FO Hastings advised they are not moving forward with this tonight because we are having a Public Hearing on the re-zoning for Phase 1. The Public Hearing is August 19<sup>th</sup> at 6:00pm. Mr. Moore motioned, seconded by Ms. Wolfe. 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.

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Mr. Thompson motioned to adjourn, seconded by Mr. O'Neil . 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