

**Village of Commercial Point  
Council Meeting Minutes  
October 21, 2019**

Mayor Joiner called the meeting to order, followed by the Pledge of Allegiance. FO Hastings took roll call with the following members present: Mr. Townsend, Ms. Wolfe, Mr. O'Neil, Mr. Grassel and Mr. Moore. Mr. Thompson was not present.

Mr. O'Neil motioned, seconded by Mr. Moore to approve the October 2, 2019 Special Meeting Minutes. All in favor, motion approved.

Administrative Reports:

- A. Mayor- Nothing to report
- B. Village Engineer- Engineer Grosse advised Scioto Crossing sanitary sewer phase 1 is scheduled, the bid date for the WWP Plant is December 11<sup>th</sup> at 2:00pm. He advised anyone can attend. He said the estimate is \$6.5 million and right now they are looking at OWDA funding, which will come to council for approval. He said on the WWTP they are still finalizing the scope of services. He said they have had several meetings with IBI to help develop their scope of services.
- C. Village Solicitor- Nothing to report
- D. Police Department-Not present
- E. Village Administrator- VA Crego thanked Ms. Wolfe for taking the lead on getting street lights throughout the village. He discussed the first reading of the Charter Commission and the two Suez contracts.
- F. Zoning Inspector- No report
- G. Fiscal Officer- FO Hastings discussed information distributed on lights for the park. She advised there was \$10,000 place in the fund for engineering plan which has never taken place and would like to look into using those funds to place 8 lamp post in the center of town park. She estimates the total project to be about \$7500.00. She advised she is looking for approval from council. Mr. Moore asked why we would not use South Central Power post, his impression is we would just have to pay the wiring and trenching but then it becomes as any other street post. FO Hastings advised she was not aware this was an option. She has asked Mr. Moore to forward his contact information and we will look into it. Mr. Moore said the post and the light fixture is free but its charged like any other street lamp at \$16/fixture plus additional cost of wiring and trenching. FO Hasting asked if we can have their approval to spend the money looking into the SCP option. Mr. O'Neil asked why we did not do the engineering. FO Hasting advised she could not explain that, she knows VA Crego did engineering work on the Belshazzar project and it never went anywhere. Ms. Wolfe asked if the plan VA Crego showed them, does this go with what they wanted to do to begin with? FO Hastings said it had sidewalks, this would just light up the sides. Mr. O'Neil asked if these will be in the way of the sidewalk? FO Hastings said no. Mr. O'Neil said it showed on both sides. Mayor Joiner said that was the original plan before they decided they were not going to pursue a \$300,000 project for 400 feet of roadway. Mayor Joiner asked if they wanted to put that up for vote and spend \$300,000 for 400 feet? Mr. O'Neil said he was under the impression that is what council wanted. Mayor Joiner said that is not what council directed. He said council directed to get an engineering plan, which was provided. Mr. O'Neil asked what vote was taken to go a different direction and when was it discussed. Ms. Wolfe said it was just discussed. Mayor Joiner said it was discussed and no council member pursued it. Mr. O'Neil said putting lights in isn't a bad thing but if they do that and then put sidewalks in then they have to dig them up. Mr. Moore asked to see what the SCP number comes back at and then go from there. Fund Status as of 9/30/2019: General \$1,944,510.63, Street Construction Maint & Repair \$308,124.90, State Highway \$23,940.78, Parks & Recreation \$3,033.57, Permissive Motor Vehicle License Tax \$7,980.03, Enforcement & Education \$1,824.39, Oh Peace Off Education & Training \$3,980.00, Housing

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Developments \$168,102.97, Other Capital Projects \$5,180.00, Water Operating \$2,485,328.72, Sewer Operating \$3,486,763.73, Garbage Operating \$30,835.90.

**Legislative Reports:**

1. Ben Townsend- Nothing to report
2. Scott O'Neil- Mr. O'Neil asked how council feels about having re-election meetings in the municipal building? He said he feels it is not a good idea. Mr. Moore said he sees both sides of it but it should be open to all candidates but you run the risk of opening it up to a public forum and we can't turn them away. He said if we have to open in the evening then you have to pay to have someone here. He said if it can be housed somewhere else, it should be. Mayor Joiner said it circles from what he posted. He said he reached out to our attorneys and the state to see if there was a conflict of interest. He asked VS Shamp to elaborate. VS Shamp said he agrees with Mr. Moore and they have dealt with this with other clients. He said once you open this building up for this gathering, it has to be opened up for other gatherings. He said they would not suggest having it in this building.
3. Jason Thompson-Not present
4. Laura Wolfe- Ms. Wolfe said SCP policies changed regarding street lights. She said they are ok with changing lights without upfront cost to us. She said there are 2 different watts, which are not free. One is 70 watt and one is 40 watt. She has had a 70 watt placed at the entrance of Carmel Court and asked for feedback. Mr. O'Neil asked the cost. Ms. Wolfe said the older wattage we currently have is \$7.75/light and to upgrade to a 40 watt is free. She said to upgrade to a 70 watt is \$11.00/month. She said the main street has a lot of poles and does not feel they need the brighter wattage, but the side streets may need a couple. Mr. O'Neil asked how many lights we have in the village. Ms. Wolfe said about 97 but half are already LED. She said anything in the village that is LED right now is 40 watt, we do not have any 70 watt other than Carmel Court. Mr. O'Neil asked where our worst trouble spots are located. Ms. Wolfe said a few, Carmel Court because they only have 3 poles, some of the corners coming into town, East Scioto. She said she will forward the map to them. Mr. Moore said a large majority of the LED lights are in the subdivisions.
5. Bruce Moore- Mr. Moore ask about the speed limit signs on Welch Road. VA Crego said it was left with council to discuss. He said he has not received any instruction. Mayor Joiner advised he wants the Southbound lanes to be marked. Ms. Wolfe verified Northbound is 55 mph and Southbound is 35mph. Mr. Moore said it is confusing because technically Northbound is 35 mph for about 200 feet for the portion annexed in the village. He outside of the 200 feet, it is 55 mph. Ms. Wolfe verified the southbound is 35 mph from Chestnut in. Mr. Moore agreed.
6. Aaron Grassel-Mr. Grassel asked if a decision has been made on the road signs. Mayor Joiner advised VA Crego council has decided to have the 35 mph signs placed on Welch road on the southbound side with the reduce speed ahead.

**Citizen Comments:**

Elisa Peters introduced herself to council. She is currently running unopposed for Municipal Court Judge. She provided background on herself.

Ms. Becky Blevins addressed council regarding concerns for the pond at Walker Point. She advised council they are supposed to represent all homeowners of commercial point. She said if they pass it she has a figure of \$150 tax increase to each household each year to maintain this area if turned over to the village. She said these figures were compiled by a reliable source. She discussed

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overall cost vs the number of people who may use it. She said a retention pond is required, not a fishing pond and a part of the development and should be a part of their HOA. She said they should consider having their own HOA. She said a playground would be utilized by mostly Walker Point residents. Mr. O'Neil asked if she has had a chance to read the ordinance with the zoning text. Ms. Blevins said no. He explained they have provided two different zoning text one with the village owning it and one with a new HOA owning it. He advised anyone can request a copy of these. He said the conflict of interest or out of their pockets does not impact them because they are forming their own HOA. Mr. Craig Moncrief, Attorney for Plank Law Firm, said he would not state that. He said originally they discussed with the village about putting in distant language that said this is a separate HOA from the other Walker Point and the village asked them to change the language. He said there will be an HOA for the property. He said at this point phase 4 is not a separate HOA. Mr. O'Neil read a piece from the ordinance that reads a HOA shall be established. Mr. Moncrief said they can change that for the next reading but regardless if it will be new or the same, that is to be decided.

Ms. Angela Welsh addressed council and discussed her concerns with the pond regarding the safety issues and the cost of the upkeep. She said she is appealing to them as a human, there are plenty of places to fish for free. She said she feels this is something that the residents should be able to vote on. She said it needs a retention pond, but not owned by the village. She said this village needs something for all the citizens, not just a few,

A resident Edith addressed council that she does not support the pond. She said she is on a fixed income and would much rather spend her money on the fire levy.

Michelle Huffman said she has previously been on the Walker Point HOA and is not in support of the pond. She said she does support having a playground because they have nothing currently for the kids, but feels the pond should be up to the voters.

**Business Items:**

- A. Craig Moncrief, Attorney for Plank Law Firm, representing Walker Point Phase 4. He said based on last week's meeting they presented two zoning text with administration, one a HOA owning the pond and one where the village owns it. Mr. O'Neil asked what happened with lot 49. Mr. Moncrief said that has been there since they obtained the Spencer's property next door so they added ½ acre there. He said they have made a couple changes to the open spaces based on feedback from last week, there will not be a walking path to the pond, no asphalt pavement to the pond and moved the play gym further way and added fencing surrounding the open space. Mr. Moore asked in the establishment of the HOA and the administration asked them to change the language. Mr. Moncrief said they opened the door and asked if this should be a separate or distinct HOA. Mr. Moore asked if it was a specific person or the group? VA Crego advised the administrative board is not in the HOA business and should not make a decision on it. He advised we are not responsible for it and have limited responsibilities with it. Mr. Moore said personally the residential subdivision should not have any detrimental impact to any of the residents regardless if it is the existing Walker Point residents or other developments. He said this phase was not planned so he personally feels if the pond or the park goes forward, a new HOA should be established. He said times have change. He asked council's input. A Maronda representative questioned why city council is

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directing them on this. He said they are the developer. Mr. Moore asked if he has spoken with the residents who will be impacted in Walker Point. The representative said he had. He said it should not be one way or another. Mr. Moore said he has hear from them and they have expressed grave concerns about this coming in. He said since as the developer has not taken the steps to move forward and discuss that with them so they can bring them a zoning text that represents what will not harm anyone else. The representative said it will benefit them because they will use it. He said he just does not understand why council is trying to regulate it. Mr. Moore said it is a concern on the other citizens. He said without the new development we do not need the wet retention pond, which is not a benefit to the residents. He said it is a maintenance issue, EPA issue, etc. The representative said they have run numbers and the cost to run this park and retention pond is about \$5000 a year. He said its mowing, treating the grass and maintaining the water. He said this is from talking to their maintenance staff. He said they will need to be honest with their buyer that it is maintained by their HOA and if that is the case, they can make that park private for those 100 homes. Mayor Joiner said he is adamantly against this space being owned by all of Walker Point. The representative said it makes no difference to Maronda because once finished that will turn it over to the HOA and they can enforce the park for only those new residents. Mr. Moore said they can enforce them to add a restrictive deed covenant keeping it open to the public. The representative said that runs into a lot of insurance issues. Mr. Moore said he understands this has not been done before. The representative expressed concerns about having to let their new buys know about having to pay the additional cost. Mr. Moore said he it is missing exhibit D. Mr. Moncrief advised it was sent. Engineer Grosse said he has it. Mr. Moore said they approved a pre annexation zoning text and he has noticed the number of lots has increased but the green space has decreased. He asked why this was done from the original text. He said lot 49 is relatively small and asked if it meets our requirements. Mr. Moncrief said yes. Mr. Moore said required traffic improvements will be identified and summarized. Audio was not clear for the remainder of this conversation. Mr. Moore asked where the open space was cut because it was already less than required. Mr. Moncrief said before the survey was done the engineer looked at the auditors site and did an estimate and afterwards they did the survey.

Legislation:

For First Reading:

**Ordinance 2019-22** AN ORDINANCE PURSUANT TO ARTICLE XVIII §8 OF THE OHIO CONSTITUTION SUBMITTING TO THE ELECTORS OF THE VILLAGE OF COMMERCIAL POINT THE QUESTIONS OF WHETHER A COMMISSION SHALL BE CHOSEN TO FRAME A MUNICIPAL CHARTER AND WHO SHALL BE THE COMMISSION MEMBERS FOR THE VILLAGE OF COMMERCIAL POINT. Mr. Moore asked how we are doing on locating people. VA Crego said right now we have 3, but he has information that will go out in a couple of days.

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**Ordinance 2019-23** AN ORDINANCE ESTABLISHING NON-DISCRIMINATORY HIRING POLICIES FOR RECIPIENTS OF CERTAIN INCENTIVES FROM THE VILLAGE OF COMMERCIAL POINT, OHIO PURSUANT TO OHIO REVISED CODE SECTION 5709.832.

**Resolution 44-2019** A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT ACCOUNT 1000-910-910 AND TRANSFER SAID MONIES TO THE ACCOUNTING AND LEGAL FEES 1000-715-341 FOR THE FUNDING OF THE ADDITIONAL ATTORNEYS HIRED FOR HUMAN RESOURCES SERVICES. Mr. O'Neil motioned, seconded by Mr. Moore to approve. Roll Call: Mr. Townsend-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes, Mr. Moore-Yes. All in favor, motion approved.

For Second 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.

**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. Mr. Moore asked if this is the TIF with K-NOVA. FO Hasting advised they will have it tomorrow. Mr. Moore advised he has a preliminary. He said because there is an emergency meeting set for next Monday for third reading he believes there are some things they should discuss now. He said he sees issues with it. He said the biggest issue is the 4% interest rate they want to charge the village for infrastructure. He advised Mr. Scalia that since he does not have council here and cannot answer, that is ok. The way he understands it, for all of the infrastructure improvements they do they village will be charged a 4% interest rate on those until such time there is

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enough TIF money to pay those back and that TIF money will still pay for the interest rate. He said those aren't just paid on increments the village is requiring them to do but on all infrastructure including interest rates. Mr. Scalia said no that isn't correct. He said this is the money that is the county and would have been the schools, it is not the villages. Mr. Moore said it is also the cost under the ORC. Mr. Scalia said they didn't pair those down and will be addressed. Mr. Moore said the language does not say that. Mr. Scalia said they have taken care of that. Mr. Moore confirmed the copy he has is not the updated one. Mr. Scalia agreed. FO Hastings said this is the most up to date one she has. She said the blanks have been filled in and Chris Connolly has been given the information. Mr. Moore asked if that was one of the changes. Mr. Scalia said he is aware of it. Mr. Moore said council need to know this is they expect it to be voted on for Monday. Mr. Moore said there is too much for him to be comfortable for him to pass it. He said it does specifically say interest on cash paid by the developer. He said as far as 4% he wishes the gentleman from the county was here to say what was typical. VS Shamp said that is not massively off the mark but it does seem steep. Mr. Moore asked VS Shamp to look into what a typical % rate is. Mr. Scalia said they have seen between anywhere between 2%-5% and they started at 5% and they agreed to 4%. Mr. Moore said no offense but none of them are attorneys nor was ours present. He said 4% seems steep. He asked council's input. Mr. O'Neil said he doesn't like it but it has to be done. Mr. Moore said they are the ones that want to put the development in but anything the village is requiring them to do then absolutely yes, but if they are putting a parking lot in for one of their warehouses, should we be paying interest on that? Paying interest for them to level a plot of ground to make it sellable for them, does not make sense.

**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 if he received the fee schedule. VA Crego said it will not take place for one year after the infrastructure takes place.

**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

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**Resolution 43-2019** A RESOLUTION APPROVING THE REZONING OF 10.83 ± ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO. VS Shamp said Richard Ricketts has informed them they are withdrawing. Mr. O'Neil asked should it die or just vote down. VS Shamp said let it die.

For Third Reading:

**Ordinance 2019-16** AN ORDINANCE TO REGULATE UNDER-SPEED VEHICLES, INCLUDING GOLF CARTS IN THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO. FO Hastings said she sent out the original copy and then Mr. Moore sent out updates but she has not heard from anyone. She is not aware if they are voting on the original document or Mr. Moore's edits. FO Hastings discussed his changes in section F, G some wording changes. Mr. O'Neil said he likes them all except for the curb portion. Mr. Moore said he only changed the wording. Mr. O'Neil thinks 500 feet of the curb is a bit much. Mr. O'Neil motioned to amend and remove section F from Mr. Moore's copy. Mr. Grassel asked where the information on the 3 year old came from. Mr. Moore same it came from talking to several people and what they thought, it was a recommendation. Mr. Grassel said he would prefer to just maintain with the State of Ohio standard with booster seats and car seats. Mr. Grassel said if you do not have specific language, does it fall back to the states language. VS Shamp said yes. He said he would handle these two motions separately since we already have the motion to strike F. Seconded by Mr. Grassel. Roll Call: Mr. Moore-Abstained, Ms. Wolfe-Yes, Mr. O'Neil-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes. Motion approved. Mr. O'Neil motioned to amend and remove section H under the 450.03 operation, seconded by Mr. Grassel. Roll Call: Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. O'Neil-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes. All in favor, motion approved. Mr. O'Neil motioned to approve, seconded by Ms. Wolfe. Roll Call: Mr. Moore-No, Ms. Wolfe-Yes, Mr. O'Neil-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes. Motion approved.

**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 remove it from the table, seconded by Ms. Wolfe. Roll Call: Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. O'Neil-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes. All in favor, motion approved. Mr. Moore motioned to approve, seconded by Mr. O'Neil. Roll Call: Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. O'Neil-Yes, Mr. Townsend-Yes, Mr. Grassel-Yes. All in favor, motion approved.

Ms. Wolfe motioned to adjourn, seconded by Mr. Grassel . All in favor, meeting adjourned.

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Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

\*Minutes provided by Paula Baldwin, Administrative Assistant