



**Village of Commercial Point
Council Meeting Minutes
October 4, 2021**

President Pro-Tempore Thompson called the meeting to order at 7:00 pm. Administrative Assistant Baldwin took roll call with the following members present: Mr. Mitchem, Mr. Grassel, Ms. Geiger, Ms. Joiner, Ms. Wolfe and Mr. Thompson.

A motion was made to approve the September 20th, 2021 Rezoning Public Hearing Minutes by Ms. Joiner and seconded by Ms. Geiger. Ms. Wolfe abstained. All remaining members were in favor. The motion passed.

A motion was made to approve the September 20th, 2021 Conditional Use Public Hearing Minutes by Ms. Joiner and seconded by Mr. Mitchem. Ms. Wolfe abstained. All remaining members were in favor. The motion passed.

A motion was made to approve the September 20th, 2021 Committee of the Whole Minutes by Ms. Geiger and seconded by Mr. Grassel. Ms. Wolfe abstained. All remaining members were in favor. The motion passed.

A motion was made to approve the September 20th, 2021 Council Meeting Minutes by Ms. Geiger and seconded by Mr. Grassel. Ms. Wolfe abstained. All remaining members were in favor. The motion passed.

Administrative Reports:

A. Mayor's Report – Mayor Goldhardt was not present.

B. Village Solicitor's Report – Solicitor Cartee discussed legislation on the agenda for the evening and timelines for the previous and current public hearings. He advised of a correction on the Struckman Pre-Annexation agreement. The acreage listed is 397.4 acres and should be 340.33 acres. Ms. Joiner asked when they would negotiate greenspace on the Struckman Property. Solicitor Cartee said it would be in the development agreement. Ms. Joiner said there is an area where they are looking into donating 74 acres to the school or multi-family. She is looking into that track of land as something they provide to the village as green space for parks or walking paths, possibly donating 20-30 acres to the village. Solicitor Cartee advised her that this would be negotiated in a development agreement, not a pre-annexation agreement.

C. Police Chief's Report – Chief Jordan advised the monthly report will be distributed prior to the next meeting. He advised Council that Tyler Blanton, our newest officer, started work today and will be in training for about six weeks. He said Ben Tosca, the other new officer, will start on October 18th. Chief Jordan said Officer Kelly is also back to work this week. Mr. Mitchem said he has had reports from residents that in the last two weeks, there has not been much police presence in Chestnut Estates and asked if there was a reason. Chief Jordan advised him with only three officers, they are spread very thin. Mr. Mitchem asked for an update on the GPS for the vehicles. Chief Jordan said the vendor we are working with does not have the equipment in stock. They will notify the Village when they receive the equipment. Ms. Joiner asked Chief Jordan if he is still wanting to move away from part-time positions and add another full-time position. Chief Jordan said he would like to get the new officers trained and out on the road first. Mr. Grassel asked if he has looked into mutual aid. Chief Jordan said the Sheriff's department would help us; however, they are short staffed as well as many of the other local departments.

D. Village Administrator's Report – Administrator Crego said the purchase order has been issued for the sidewalk on State Route 762. He stated that he has turned in the estimate for the connector from Carmel Court to the elementary school and is waiting for council to move the money so the project can be started. Ms. Geiger said Engineer Derwacter has been working on getting a Safe Passage grant and asked



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council what they thought about waiting to see if this grant comes through before moving the money. Council agreed to wait until spring to see if the grant was approved. Administrator Crego then discussed the Administrative Employee Guidelines and stated that he has some concerns with the section referring to a timeclock. Mr. Mitchem asked for an update on the pothole on Chestnut Estates. Administrator Crego said he will have cold patch placed in it.

- E. Village Engineer's Report – Engineer Cameron provided updates on all of the village projects and developments.
- F. Zoning Inspector's Report – He was not present.
- G. Fiscal Officer's Report – She had nothing to report at this time.

Legislative Reports:

- A. Tracy Joiner – Ms. Joiner discussed Ordinance 2021-36. She gave some background as to why she is proposing it.
- B. Laura Wolfe – She had nothing to report at this time.
- C. Ryan Mitchem – He had nothing to report at this time.
- D. Aaron Grassel – He had nothing to report at this time.
- E. Jason Thompson – He had nothing to report at this time.
- F. Nancy Geiger- She had nothing to report at this time.

Citizen Comments:

Mr. Michael Skaggs gave an official letter to council that accepts full liability if an issue occurs regarding his variance request.

Mr. James Shockey said since the Council has 45 days to decide on the variance request, would they please allow him that time to review the information. He asked if in the future, on a variance request notification letter, if the Village would state on the letter where residents can find the information being discussed. He also asked Ms. Joiner about her tax increase legislation. Mr. Thompson said Council does not answer questions during the Citizen's Comments portion of the meeting.

Mr. Ralph Wolfe wanted to inform everyone that the clean-up in Beckett Cemetery is November 1st.

Mr. Bruce Moore, representing K-NOVA, discussed Ordinance 2021-32. He discussed the impact fee and said he feels the village already has one built into the water tap fees. He discussed the impact of this ordinance on developers. He asked for it to be voted down or tabled so Council can go back and work on another solution.

Business Items:

- A. Skaggs Variance Request – Ms. Joiner asked about the letter regarding liability and asked if they have a fence around the yard. Mr. Skaggs said yes.



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A motion was made to approve the variance request by Ms. Joiner and seconded by Mr. Mitchem. Ms. Geiger stated that Mr. Shockey had requested more time to review the request. Mr. Thompson said he also has some questions for the Zoning Administrator on this variance. Mr. Skaggs explained where the patio is placed.

Roll call vote: Ms. Geiger - No, Mr. Grassel - No, Ms. Wolfe - No, Ms. Joiner - Yes, Mr. Thompson - Yes, Mr. Mitchem - Yes. The motion failed.

Ms. Joiner asked if Mr. Skaggs could re-apply for the variance. Solicitor Cartee explained to her that the next step would be for Mr. Skaggs to appeal the Council's decision.

Ms. Joiner then asked if she could withdraw the motion she made. Solicitor Cartee explained to her that she can not withdraw a motion that the Council has already voted on.

- B. Employee Guidelines – Mr. Thompson said Solicitor Cartee put information in the guidelines regarding timeclocks per a council members request. He said he agrees with Administrator Crego that there needs to be a clear policy on the use of a timeclock. There was discussion between council members about the original reason for the timeclock request.

A motion was made to accept the Administrative Employee Guidelines as distributed minus the last sentence in the 1st paragraph of section 12 by Ms. Joiner and seconded by Mr. Mitchem.

Roll call vote: Mr. Grassel - Yes, Mr. Mitchem - Yes, Ms. Geiger - Yes, Ms. Wolfe - Yes, Mr. Thompson - Yes and Ms. Joiner -Yes. The motion passed.

Legislation:

First Reading:

Ordinance 2021-34 AN ORDINANCE TO REZONE 5.1329 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM NEIGHBORHOOD COMMERCIAL (NC) TO GENERAL COMMERCIAL (GC).

President Pro Tempore Thompson did a first reading, title only.

A motion was made to suspend the readings by Ms. Joiner. There was no second. The motion died.

Ordinance 2021-35 AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT TO REPEAL AND REPLACE SECTION 1117.04 OF THE ZONING CODE AS TO SITE DEVELOPMENT PLAN FEES, AND DECLARING AN EMERGENCY.

President Pro Tempore Thompson did a first reading, title only.

Ordinance 2021-36 AN ORDINANCE REPEALING AND REPLACING CHAPTER 820 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT TO INCREASE THE MUNICIPAL INCOME TAX RATE FROM 0.75% TO 1.00% AND TO PROVIDE FOR A CREDIT OF 0.25% TO RESIDENTS WHO PAY INCOME TAX TO ANOTHER OHIO MUNICIPAL CORPORATION AS OF JANUARY 1, 2022, AND DECLARING AN EMERGENCY.

President Pro Tempore Thompson did a first reading, title only.

Ordinance 2021-37 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE ADMINISTRATOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A PREANNEXATION AGREEMENT WITH S & G COMMERCIAL POINT LTD., MICHAEL EDWARD STRUCKMAN, TRUSTEE OF THE MICHAEL EDWARD STRUCKMAN TRUST U/T/D MARCH 31, 2003, WENDY SIZEMORE,



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TRUSTEE OF THE WENDY SIZEMORE TRUST U/T/D DECEMBER 12, 2019, AND ROCKFORD HOMES, INC. FOR THE ANNEXATION OF 397.49 +/- ACRES INTO THE VILLAGE OF COMMERCIAL POINT.

President Pro Tempore Thompson did a first reading, title only.

A motion was made to substitute the language to change the acreage from 397.49 to 340.33 acres, amend the title of the ordinance, amend the second whereas clause, amend the fourth whereas clause, amend section one of the ordinance and amend the language of the proposed pre-annexation agreement to reflect the proper acreage by Ms. Joiner and seconded by Mr. Grassel.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger - Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes, and Ms. Wolfe - Yes. The motion passed.

Third Reading:

Ordinance 2021-31 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE ADMINISTRATOR TO ENTER INTO A PRIVATE WATER LINE EASEMENT AGREEMENT WITH COI RICKENBACKER INDUSTRIAL LAND, LLC, AND DECLARING AN EMERGENCY.

President Pro Tempore Thompson did a third reading, title only.

A motion was made to adopt Ordinance 2021-31 by Ms. Joiner and seconded by Ms. Wolfe.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger - Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes, and Ms. Wolfe - Yes. The motion passed.

Ordinance 2021-32 AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT TO REPEAL AND REPLACE SECTION 1117.04, SECTION 1141.03, AND SECTION 1195.05 OF THE ZONING CODE, AND DECLARING AN EMERGENCY.

President Pro Tempore Thompson did a third reading, title only.

Solicitor Cartee advised Council of changes that were made to the ordinance.

A motion was made to substitute the language by Ms. Joiner and seconded by Mr. Grassel.

Roll call vote: Mr. Thompson - Yes, Ms. Geiger - Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes, and Ms. Wolfe - Yes. The motion passed

Ms. Joiner asked for discussion. She said they have discussed the fire suppression system and asked who owns it. Mr. Moore said the first piece was put in by Van Trust to cover building 1 & 2, the expansion to cover the rest of the park was put in by K-Nova. Mr. Scala said it will be shared by the whole park and they will have a Park Owner Association. Fiscal Officer Hastings asked if those plans have been approved by our Engineering firm. Engineer Cameron said he does not believe they all have been approved. There was further discussion regarding the ordinance. Ms. Geiger asked Engineer Cameron if this water tower is something we need right now. Engineer Cameron said not currently, however, we will need it within three to five years based on the build out timeline of all of the developments within the Village. He said we are trying to meet the EPA recommended water reserve in the air. He said in four to five years, we will need a minimum of 800,000 gallons. There was further discussion. Ms. Geiger said in the previous meeting, Mr. Scala stated he would definitely help with this; however, the mayor has not heard anything from him as of yet. Mr. Moore said K-Nova stands committed to work with the village but it feels like every time they do something for the Village, the goal post is moved. Ms. Geiger asked if there have been any conversations. Mr. Moore said yes, there have been many conversations and they have come up with five or six possible ideas.

A motion was made to adopt Ordinance 2021-32 by Ms. Joiner and seconded by Mr. Thompson.



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Roll call vote: Mr. Thompson - No, Ms. Geiger - Yes, Mr. Grassel - No, Ms. Joiner - No, Mr. Mitchem - No, and Ms. Wolfe - No. The motion failed.

Ordinance 2021-33 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A COMMUNITY REINVESTMENT AREA PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN K-NOVA LLC AND SCANNELL PROPERTIES #556, LLC FOR THE ASSIGNMENT OF THE K-NOVA CRA AGREEMENT AS TO LOTS 8 AND 10 IN RICKENBACKER EXCHANGE PART 3, AND DECLARING AN EMERGENCY.

President Pro Tempore Thompson did a third reading, title only.

Ms. Geiger A motion was made to adopt Ordinance 2021-33 by Ms. Geiger and seconded by Ms. Wolfe. Roll call vote: Mr. Thompson - Yes, Ms. Geiger - Yes, Mr. Grassel - Yes, Ms. Joiner - Yes, Mr. Mitchem - Yes, and Ms. Wolfe - Yes. The motion passed.

Pending Administrative Actions:

Resolution 32-2021 A RESOLUTION APPROVING A CONDITIONAL USE FOR AN AUTOMOBILE CAR WASH IN A GENERAL COMMERCIAL DISTRICT WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO.

President Pro Tempore Thompson did a first reading, title only.

Additional Items:

There were no additional items.

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


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer