



Village of Commercial Point  
Council Meeting Minutes  
July 11<sup>th</sup>, 2022

Mayor Goldhardt called the meeting to order at 7:00 pm. Administrative Assistant Baldwin took roll call with the following members present: Ms. Geiger, Ms. Wolfe, Mr. West, Mr. Crego, Ms. Joiner and Mr. Mitchem.

Ms. Joiner asked for an addition to the June 20<sup>th</sup> COW Meeting Minutes under the Blevins Letter topic to include the discussion of ditch cleaning twice a year.

A motion was made to approve the June 20<sup>th</sup> Committee of the Whole minutes as amended by Ms. Geiger and seconded by Mr. Mitchem. All were in favor. The motion passed.

A motion was made to approve the June 20<sup>th</sup> Council Meeting Minutes by Mr. Crego and seconded by Ms. Joiner. All were in favor. The motion passed.

Administrative Reports:

A. Mayor's Report – He has nothing to report at this time.

B. Village Solicitor's Report – Solicitor Cartee discussed the legislation on the agenda. He explained there has been a request from the developers to postpone all legislation up for a third reading and asked Council to entertain the request until the August 1<sup>st</sup> meeting. He discussed business item C and reminded Council of the appropriate motion at that time would be a motion to approve the recommendation of the mayor to not confirm Sergeant Murphy. He explained if they agree with the mayor's recommendation, they would vote yes. Ms. Joiner asked if the postponement of the Struckman annexation ordinance is due to the TIF adjustment. Solicitor Cartee said yes and also because there are new TIF projections being calculated by Mike Dean.

C. Police Chief's Report – He had nothing to report at this time.

D. Village Administrator's Report – Village Administrator Grosse said the current water plant has a rating of 1 million gallons a day and that the average flow for June was .45 million gallons per day. He said that the waste water treatment plant is rated at 430,000 gallons a day and for the month of June they averaged 340,000 gallons a day. He informed Council that the NPDS permit is scheduled to be approved in August. He said that will allow us to keep moving with the new plant design. Once approved, the Village can submit the plans to the EPA. He discussed a surplus of equipment that they would like to dispose of, but needs guidance from Solicitor Cartee on the proper way to do it. Mr. West asked if the generator they no longer need was electric and suggested that it may be useful for the village office. Mayor Goldhardt said that he thought the same thing but was told that it is too big for the building. Solicitor Cartee explained the options and what needs to take place to move forward. Ms. Joiner asked if monies from items sold can go back into the water department fund to offset cost. Solicitor Cartee explained that Council can designate where the money would go. Ms. Geiger asked if he has followed up with Roese Brothers about patching on Harsh Alley where the road was dug across. Administrator Grosse said this is on his radar along with a couple other spots. Ms. Joiner asked if he has reached out to the Chestnut Estates HOA to let them know of Council's decision regarding the irrigation system along the walk path. Administrator Grosse said he was not aware of their decision. Mayor Goldhardt said he had not yet told him of council's decision.

E. Village Engineer's Report – Ms. Derwacter was not present. Mayor Goldhardt informed Council of Susan's father's death and asked everyone to keep her and her family in their thoughts and prayers.

F. Zoning Administrator's Report – Zoning Administrator Kuzelka discussed the ditch at West Scioto Green. He said we need a plan to have it taken care of. Ms. Joiner said they have discussed the purchase of a ditch mower to help with the ditches. Ms. Geiger said they agreed to look into that for next year's budget. Administrator Kuzelka said that Council may receive calls about him writing violations. He said one of them is for wading pools. He said if it is over 24 inches tall it needs a permit and a fence. Ms. Joiner asked if the water fountain issue was resolved. Zoning Administrator Kuzelka said they all appear to be working at this time. He explained some of the changes he feels need to be made to the Zoning Code.



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G. Fiscal Officer's Report – Fiscal Officer Hastings said that the 2023 Tax Budget needs approved this evening in order for her to complete the required paperwork.

Legislative Reports:

- A. Tracy Joiner – Ms. Joiner said she has requested to have a discussion on the current noise ordinance during the next Committee of the Whole meeting. She feels there needs to be some updates and changes. She said that she will be looking at other villages and municipalities ordinances.
- B. Laura Wolfe – She had nothing to report at this time.
- C. Ryan Mitchem – Mr. Mitchem wanted his complaint to the Village Administrator about the erosion of streets in Chestnut Estates on the record.
- D. Jason West – He had nothing to report at this time.
- E. Ross Crego – He thanked the Parks and Recreation Committee for their work on the Farmer's Market. He said he has received very good feedback on it.
- F. Nancy Geiger - Ms. Geiger said the next Farmers Market is this weekend and the movie night has been rescheduled for July 22<sup>nd</sup>.

Citizen Comments:

Mayor Goldhardt explained the process for Citizen comments.

Ms. Kay Anderson said she has concerns with one person in the village going out of their way to video people and watching the establishments. She feels this is a nuisance and harassment. She also feels all of her reports are a bad use of Village resources. She said the mayor has been to both locations and has spoken with both establishments regarding the complaints filed and the issues have stopped. She did give recognition to Ms. Geiger on the Farmers Market and all of the other activities they are planning for the village.

Mr. John Murphy addressed council. He said with his confirmation vote coming up this evening, he wanted Council to know his background with the village. He said he does not want to try and change their minds on how they personally feel about him. However, professionally as council members, he wants them to consider that everything he has done for the village has been for the purpose of helping Commercial Point. He asked when it comes up for a vote, they vote to keep him. He feels the accusations are not enough to take his livelihood away.

Mr. Dan Klouse addressed council. He said he is Mr. Murphy's attorney. He said he has reviewed all of the facts and given what may occur later this evening, Council needs to do the right thing. He said he represented Mr. Murphy in litigation years ago against the Village of Commercial Point and was successful. He also said he has personally known Mr. Murphy for over thirty years and he is a former police officer himself. He said Mr. Murphy has his full support as a law enforcement officer. He said he has also been a discrimination lawyer for years. He said reflecting on Mr. Murphy's conduct and what he has done for the Village, he can think of no better example of a police officer. He said he would strongly recommend that Council confirm him.

Mr. Chris Lauter said he heard what was going on tonight and feels Mr. Murphy is one of the best officers he has ever had the pleasure of meeting. He said we need him as an officer in the town because he talks to the people. He said it would be a shame if he loses his job and that it would be a detriment to the village.

Mr. Mike Havens addressed council. He said he has been here for seventeen years with his business and has seen such good changes in the past two years. He said they are on better terms with the police department. He feels the Village and the local businesses have done nothing but improved.



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Mr. Chuck Tuttle addressed council. He explained that he was in car accident while having a heart attack. Officer Murphy was first person on the scene and he was not breathing. Officer Murphy was able to work on him and get him breathing again. He said if not for Officer Murphy, he would not be here today. He said if he were to vote, he would vote to keep him.

Business Items:

- A. 2023 Tax Budget – A motion was made to approve the 2023 Tax Budget by Ms. Joiner and seconded by Mr. Mitchem.  
Roll call vote: Ms. Joiner - Yes, Ms. Geiger - Yes, Ms. Wolfe - Yes, Mr. Mitchem - Yes, Mr. West - Yes and Mr. Crego - Yes. The motion passed.
- B. Jim Frey Annexation Discussion – Mr. Frey was unable to attend the meeting and asked to reschedule the discussion for the August 1<sup>st</sup> meeting.
- C. Officer Confirmation – Mayor Goldhardt asked if Mr. Murphy or his attorney would like to address council prior to the vote. Mr. Murphy and his attorney declined.  
A motion was made to approve Mayor Goldhardt's recommendation to not confirm Sergeant Murphy by Ms. Joiner and seconded by Mr. Crego.  
Roll call vote: Mr. West - Yes, Mr. Mitchem - Yes, Ms. Geiger - abstained due to her husband being named in a previous law suit with Mr. Murphy, Ms. Wolfe - Yes and Ms. Joiner - abstained as to prevent any form of bias being exhibited. The motion was approved.

Legislation:

First Reading:

Ordinance 2022-20 AN ORDINANCE AMENDING ORDINANCE NO. 2019-19 TO PROVIDE FOR AMENDED TAX INCREMENT FINANCING FOR THE K-NOVA LLC DEVELOPMENT IN THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO TAX INCREMENT FINANCING AGREEMENT; AND PROVIDING RELATED AUTHORIZATIONS; AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a first reading, title only.

Ms. Joiner asked for discussion. She asked what has change. Her copy does not show any revisions. Solicitor Cartee said he can circulate red line copies if desired. He said it was just technical comments. Ms. Geiger asked about the emergency language. Solicitor Cartee said it was a request of K-Nova to take effect immediately to secure financing. He said it is the Council's choice to keep the emergency declaration. Ms. Joiner asked Mayor Goldhardt's thoughts on the language and changes. Mayor Goldhardt said he is good with the changes.

Third Reading:

Ordinance 2022-16 AN ORDINANCE APPROVING THE ANNEXATION OF 60.962 +/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.

A motion was made to postpone the third reading of Ordinance 2022-16 until the August 1<sup>st</sup> meeting per the developer's request by Ms. Wolfe and seconded by Ms. Joiner.

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

Ordinance 2022-17 AN ORDINANCE TO REZONE 60.962 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM EXCEPTIONAL USE (EU) TO PLANNED RESIDENTIAL DISTRICT (PRD) AND ADOPTING THE PRELIMINARY PLAN AND DEVELOPMENT STANDARDS TEXT FOR THE PLANNED DISTRICT CONTINGENT UPON THE ANNEXATION OF SAID PROPERTY INTO THE VILLAGE.

A motion was made to postpone the third reading of Ordinance 2022-17 until the August 1<sup>st</sup> meeting per the developer's request by Ms. Geiger and seconded by Mr. Mitchem.



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

Ordinance 2022-18 AN ORDINANCE APPROVING THE ANNEXATION OF 344.391 +/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.

A motion was made to postpone the third reading of Ordinance 2022-18 until the August 1<sup>st</sup> meeting per the developer's request by Ms. Joiner and seconded by Ms. Wolfe.

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

Resolution 26-2022 A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN EASEMENT AGREEMENT WITH SALLY L. GREENE, TRUSTEE, FOR THE ACCEPTANCE OF A UTILITY EASEMENT BENEFITING THE VILLAGE OF COMMERCIAL POINT.

A motion was made to postpone the third reading of Resolution 26-2022 until the August 1<sup>st</sup> meeting per the developer's request by Ms. Wolfe and seconded by Mr. Mitchem.

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

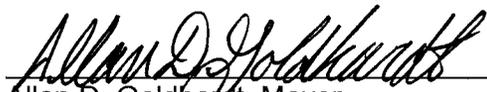
Additional Items:

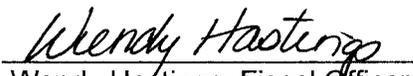
There were no additional items at this time.

A motion was made to adjourn the meeting by Ms. Wolfe and seconded by Ms. Joiner.

A Point of Order was raised by Mr. Murphy's attorney. He said under Section 121.22 of the Ohio Revised Code, they voted on a recommendation for Sergeant Murphy but there was no reading what the recommendation was. He asked the mayor if he had the recommendation in front of him. Mayor Goldhardt said yes. Mr. Klouse asked how the Council received his recommendation. Mayor Goldhardt said everyone on Council received the recommendation by email. Mr. Klouse asked when the email was sent. Mayor Goldhardt said it was sent on Friday, July 8<sup>th</sup>. Mr. Klouse clarified that they did not receive the written recommendation at tonight's council meeting. Mayor Goldhardt said that was correct.

At that time, the meeting was continued. All were in favor of adjourning the meeting, the motion passed and the meeting was adjourned.

  
Allan D. Goldhardt, Mayor

  
Wendy Hastings, Fiscal Officer