



**Village of Commercial Point  
Council Meeting Minutes  
December 5, 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, Mr. Crego, Mr. Mitchem, Ms. Ratliff and Ms. Plybon. Ms. Wolfe was not present.

Mr. Crego asked for a correction to me made in the November 21<sup>st</sup>, 2022, Committee of the Whole minutes. A motion was made to approve the November 21<sup>st</sup>, 2022, Committee of the Whole Meeting Minutes with the suggested corrections by Mr. Crego and seconded by Ms. Ratliff. All members present were in favor. The motion passed.

A motion was made to approve the November 21<sup>st</sup>, 2022, Council Meeting Minutes by Ms. Geiger and seconded by Mr. Crego. All members present were in favor. The motion passed.

Administrative Reports:

- A. Mayor's Report – He had nothing to report at this time.
- B. Village Solicitor's Report – He requested Council postpone Ordinance 2022-31 indefinitely. He said there is an issue with the parcel in Franklin County. Their attorneys are currently working with Franklin County and this matter should be resolved before the next council meeting.
- C. Police Chief's Report – He was not present.
- D. Village Administrator's Report – Administrator Grosse informed the Council that the salt barn has been constructed and the concrete floor will be poured next Monday. He provided an update on the capacity of the Wastewater Treatment Plant and Water Treatment Plant. He said we have a bid schedule for the new Wastewater Treatment Plant and plan to advertise on December 12<sup>th</sup>, 27<sup>th</sup>, January 3<sup>rd</sup> and 9<sup>th</sup>. Engineer Grosse said the bid opening is scheduled for January 25<sup>th</sup>, 2023. The engineer's estimate for the proposed project is \$12,400,000. He thanked Mike Struckman of the Street Department for his work on all the Christmas decorations and lights. Mr. Crego said at the last meeting, there was an issue with the radio transmission at the Utility Plant. Engineer Grosse said that has been resolved and most of the radios have been replaced. Ms. Geiger asked about the process of painting curbs and installing signs. Engineer Grosse said he and Mr. Struckman discussed the project earlier in the day. He has all the supplies and expects to start next week, weather permitting.
- E. Village Engineer's Report - Ms. Derwacter provided an update on the projects in the Rickenbacker Exchange Industrial Park. She also discussed the offsite improvements. Regarding the turn lanes on State Route 104 and State Route 762, she informed the Council that they are holding a pre-construction meeting this Wednesday. She said they are not starting construction due to winter, but once the weather breaks, the contractor may begin. She also gave an update on the Foxfire Subdivision.
- F. Zoning Administrator's Report – He was not present.
- G. Fiscal Officer's Report – She had nothing to report at this time.

Legislative Reports:

- A. Audrea Ratliff - She had nothing to report at this time.
- B. Ryan Mitchem – He had nothing to report at this time.
- C. Ross Crego – He had nothing to report at this time.
- D. Nancy Geiger - Ms. Geiger said everything went well with the Christmas Parade, Santa and the Tree lighting. She thanked Mike Struckman for all his help decorating the Village. She said he did a great job in the park. She thanked those that helped with the event. She also thanked Doughboyz for the hay wagon rides they provided.



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E. Stacy Plybon - She had nothing to report at this time.

Citizen Comments:

There were no citizen comments.

Business Items:

A. K-Nova:

Mr. Moore, attorney for K-Nova, addressed the Council about the South Central Power and AEP territorial issue on their Durrett Road/104 parcel. He said they have a potential buyer that has a high electrical power requirement. He stated the K-Nova has been trying to get South Central Power to relinquish their territory to AEP on that parcel. Representing South Central Power was Kyle Kern, Kyle Heavron, and David Glass. They informed the Council that there is a process already in place for when situations like this arise. They said as of now, AEP has not supplied the information needed by South Central Power to start this process, even though they have requested it three times. Instead of following that process, Mr. Moore said the Council has authority to pass legislation that overrides the assigned PUCO territories. After much discussion, Mr. Moore approached the Council and distributed legislation that he had prepared. He asked the Council to do a first reading, waive the remaining readings, and vote on the legislation that night. Mayor Goldhardt informed Mr. Moore that at the previous meeting, the Council agreed that this is a PUCO matter and did not wish to get involved in their territorial dispute. He also informed Mr. Moore that the Council has rules as to how legislation is to be brought before them. The Council does not accept or consider any legislation handed to them by a developer or any other individual at a council meeting. The Council did not take any action on this matter.

B. Eminent Court Action:

A motion was made under Ohio Revised Code Section 121.22(G)(3) to enter into executive session with the Village Solicitor, Mayor, and Fiscal Officer to discuss with legal counsel imminent court action involving the Village of Commercial Point by Ms. Geiger and seconded by Ms. Ratliff.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed. The Council entered executive session at 8:05 p.m.

A motion was made at 8:30 p.m. to return from executive session by Ms. Ratliff and seconded by Mr. Mitchem.

All members present were in favor. The motion passed and the Council returned to regular session.

Legislation:

Third Reading:

Ordinance 2022-31 AN ORDINANCE TO REZONE 152.469 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM EXCEPTIONAL USE (EU) TO LIMITED MANUFACTURING DISTRICT (LM) CONTINGENT UPON THE ANNEXATION OF SAID PROPERTY INTO THE VILLAGE.

A motion was made to indefinitely postpone the third reading of Ordinance 2022-31 by Mr. Crego and seconded by Mr. Mitchem.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed.

Ordinance 2022-32 AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO SEEK BIDS FOR THE EXPANSION OF THE WASTEWATER TREATMENT FACILITY, AND FOR THE VILLAGE ADMINISTRATOR TO PRESENT THE LOWEST AND BEST BID TO VILLAGE COUNCIL FOR COUNCIL'S CONSIDERATION.

Mayor Goldhardt did a third reading, title only.

A motion was made to adopt Ordinance 2022-32 by Mr. Crego and seconded by Ms. Geiger.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed.



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Ordinance 2022-33 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT (CRA AGREEMENT) WITH K-NOVA, LLC, AND COI RICKENBACKER LOT 5, LLC AS TO LOT 5 IN RICKENBACKER EXCHANGE – PART 3, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a third reading, title only.

A motion was made to adopt Ordinance 2022-33 by Ms. Geiger and seconded by Ms. Ratliff.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed.

Ordinance 2022-34 AN ORDINANCE AMENDING SECTION 1044.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT RELATED TO WATER RATES, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a third reading, title only.

A motion was made to adopt Ordinance 2022-34 by Mr. Crego and seconded by Ms. Plybon.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed.

Ordinance 2022-35 AN ORDINANCE AMENDING SECTION 1042.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT RELATED TO SEWER RATES, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a third reading, title only.

A motion was made to adopt Ordinance 2022-35 by Ms. Geiger and seconded by Ms. Ratliff.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed.

Resolution 47-2022 A RESOLUTION TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF COMMERCIAL POINT, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023.

Mayor Goldhardt did a third reading, title only.

A motion was made to adopt Resolution 47-2022 by Mr. Crego and seconded by Ms. Geiger.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed.

Postponed Legislation:

Ordinance 2022-27 AN ORDINANCE ACCEPTING THE FINAL PLAT OF FOXFIRE SUBDIVISION PHASE 3, PART 1.

No action was taken.

Ordinance 2022-28 AN ORDINANCE APPROVING THE ANNEXATION OF 152.469 +/- ACRES FROM SCIOTO TOWNSHIP, PICKAWAY COUNTY, AND JACKSON TOWNSHIP, FRANKLIN COUNTY, TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.

No action was taken.

Resolution 38-2022 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN EASEMENT AGREEMENT WITH K-NOVA, LLC, SCANNELL PROPERTIES #556 LLC, AND HART COMMERCIAL POINT INDUSTRIAL LLC, FOR THE ACCEPTANCE OF A STORM WATER EASEMENT BENEFITING THE VILLAGE OF COMMERCIAL POINT.

No action was taken.

Additional Items:

A. Struckman Farms

Mr. Yoakam presented an overview of the Struckman Farm development. He said this overview is very similar to the previous overview. He wanted to update the new council members on the proposed plan. He explained how the project would be laid out. He discussed the benefits of having an NCA. Mr.



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Mitchem said he is not in favor of having an NCA. Ms. Ratliff said infrastructure needs to come first. She has some concerns about the NCA. Her concern is someone on the NCA board may not do what is in the best interest of the village. Mr. Yoakam said that the Council appoints the majority of the NCA board. He asked Mr. Mitchem what his concern was with an NCA. Mr. Mitchem's concern is how the money is used. Mr. Yoakam asked what amenities the Village would like to see. Ms. Plybon said she would like to see an overall plan. She liked the mixed use, multifamily and patio homes. Ms. Geiger said at the Committee of the Whole meeting, they agreed that the industrial portion would take away from the development. Mr. Crego said he likes this plan as presented and doesn't want to see it changed. He said this will accomplish several things for the Village and add a premium community with a regional green space. Mr. Yoakam said the Walker Road lift station has some issues and this project would provide a permanent sanitary solution by building a new lift station. He said they have secured an easement, which is contingent upon the approval of this project. Ms. Geiger had a question about the revenue produced by the NCA. She asked if those fees would take care of the park? Mr. Yoakam said the TIF revenue is what was cut back, not the NCA revenue. He said they need to know if the Council wants this project. If so, they will work with Solicitor Cartee on the numbers. There was further discussion. The Council agreed that the warehouses should remain on the East side on State Route 104. The Council said they liked the plan and agreed to move forward with the annexation process.

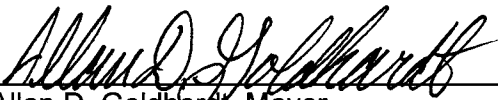
- B. A motion was made under Ohio Revised Code Section 121.22(G)(1) to enter into Executive Session with the Village Solicitor, Mayor, and Village Administrator to consider the dismissal of a public employee by Ms. Geiger and seconded by Ms. Ratliff.

Roll call vote: Mr. Crego - Yes, Ms. Geiger - Yes, Ms. Ratliff - Yes, Mr. Mitchem - Yes and Ms. Plybon - Yes. The motion passed. The Council entered executive session at 9:33 p.m.

A motion was made at 9:48 p.m. to return from executive session by Mr. Crego and seconded by Mr. Mitchem.

All members present were in favor. The motion passed and the Council returned to regular session.

A motion was made to adjourn by Ms. Ratliff and seconded by Mr. Mitchem. All members present were in favor, the motion passed, and the meeting was adjourned.

  
Allan D. Goldhardt, Mayor

  
Wendy Hastings, Fiscal Officer