



VILLAGE OF COMMERCIAL POINT
Special Council Meeting Minutes
October 29, 2020

Mayor Goldhardt called the meeting to order at 6:30 pm. Administrative Assistant Baldwin took roll call with the following members present: Mr. Moore, Mr. Thompson, Ms. Wolfe, Mr. Mitchem, Ms. Joiner and Mr. Grassel.

Business Items:

Solicitor Cartee said that he circulated an agreement among council and asked if they could entertain a motion to go into Executive Session under revised code section 121.22 G3.

A motion was made at 6:32 p.m. to go into executive session by Mr. Moore and seconded by Ms. Wolfe.

Roll Call Vote: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Mitchem-Yes and Ms. Joiner-Yes. The motion passed.

A motion was made to leave executive session at 7:04 by Mr. Moore and seconded by Ms. Joiner.

Roll Call Vote: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Mitchem-Yes and Ms. Joiner-Yes. The motion passed.

Mayor Goldhardt asked council how they wished to proceed with the proposed Century Communities agreement. Mr. Moore said he would like to see Century Communities complete the homes. However, he thinks the agreement on the table is not going to work. He said while it doubled the bond amount to \$150,000, he thinks that will not be enough to cover the cost of restoring the lots to their original condition if they fail to complete the homes. He feels we should not move forward with Century Communities since they have not done what they said they would do for the past year and a half. Unfortunately, that is not an option. He said we need something in the agreement to assure that in six months we will not be in this position again. He feels that the only way to prevent this is if there is a waiver of all rights and remedies of Century Communities to try and extend the permits again or to file for injunction for extension of time with the courts. If they fail to perform, they are done. There also needs to be a waiver of their right to dispute our ability to enforce our zoning code. He does not want to have to file an injunction with the court to enforce our zoning. He feels these protections need to be incorporated into the agreement. He said the representative from Century Communities assured everyone they can complete all of the houses by May. If they are that confident, there should be no reason why this language could not be incorporated into the agreement. He stated that if this language is placed in the agreement, he would vote to approve it. Mr. Thompson said he has the same thoughts and does not like the proposal in its current state. He said common sense dictates you cannot build 26 homes in 6 months. Mr. Thompson and Ms. Joiner would like to see a \$500,000.00 bond. Mr. Moore said he has a few concerns regarding the type of construction and it is his understanding these lots have to conform to our residential zoning code. Solicitor Cartee confirmed that was correct but he does not believe they are zoned PUD. He believes they are zoned R3. Mayor Goldhardt asked Solicitor Cartee to formally notify Century Communities of council's desires and if they wish to get back to us between now and Monday, it can be discussed at Monday night's council meeting.

Solicitor Cartee stated that the attorney for Maronda Homes provided information concerning playground equipment to him. Mr. Moore said he saw an overview. He said they are proposing more pieces of equipment at a better price. Ms. Joiner does not like the spinner they presented. Mr. Thompson and Ms. Wolfe agree council should go with what is presented. Solicitor Cartee said the original equipment was part of the plat as an exhibit so Council will need to reconsider the plat, which can be done at Monday's meeting. He said they can put language in to change exhibit A. Mayor Goldhardt asked if it would need to be re-recorded with the county since we are making changes to an existing recorded document. Solicitor Cartee said they would need to let the county know about the change. Mayor Goldhardt asked if it is an issue if this does not get on the agenda for Monday. Mr. Moore said there is a six percent cost increase about to take place so the equipment needs to be ordered as soon as possible. He asked the Solicitor if Council can take a vote as a show of support of future legislation. Solicitor Cartee said yes. He said they can make a motion of support tonight and that will allow time to draft legislation and get it to Council.

A motion to support the new exhibit to the Walker Point Phase 4 final plat was made by Mr. Moore and seconded by Mr. Mitchem. All were in favor and the motion passed.



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Legislation:

Resolution 34-2020 A RESOLUTION TO INCREASE THE GARBAGE FUND APPROPRIATIONS WITHIN THE 2020 PERMANENT BUDGET. Mayor Goldhardt did a second reading of Resolution 34-2020, title only.

Resolution 35-2020 A RESOLUTION TO APPROPRIATE THE MONEY RECEIVED FROM PICKAWAY COUNTY FOR THE LOCAL CORONAVIRUS RELIEF FUND WITHIN THE 2020 PERMANENT BUDGET AND DECLARE AN EMERGENCY. Mayor Goldhardt did a second reading of Resolution 35-2020, title only. A motion was made to suspend the third reading by Ms. Joiner and seconded by Mr. Moore.

Roll Call Vote: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Mitchem-Yes and Ms. Joiner-Yes. The motion passed.

A motion was made to adopt Resolution 35-2020 by Ms. Wolfe and seconded by Mr. Mitchem.

Roll Call Vote: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Mitchem-Yes and Ms. Joiner-Yes. The motion passed.

Ordinance 2020-22 AN ORDINANCE ACCEPTING THE REVISED FINAL PLAT OF SCIOTO CROSSING SUBDIVISION, SECTION 2, VACATING A CURRENTLY EXISTING DRAINAGE EASEMENT NEAR LOT 59 OF SAID PLAT, AND DECLARING AN EMERGENCY. Mayor Goldhardt did a second reading of Ordinance 2020-22, title only.

A motion was made to suspend the third reading by Mr. Moore and seconded by Ms. Joiner.

Roll Call Vote: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Mitchem-Yes and Ms. Joiner-Yes. The motion passed.

A motion was made to adopt Ordinance 2020-22 by Ms. Wolfe and seconded by Mr. Mitchem

Roll Call Vote: Mr. Moore-Yes, Mr. Thompson-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. Mitchem-Yes and Ms. Joiner-Yes. The motion passed.

Ordinance 2020-23 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, VILLAGE ADMINISTRATOR, AND PLANNING AND ZONING ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH WJHOH LLC (WJH LLC) D/B/A CENTURY COMMUNITIES REGARDING EXTENSIONS OF CERTAIN CERTIFICATES OF ZONING COMPLIANCE FOR CONSTRUCTION IN THE GENOA CROSSING SUBDIVISION, AND DECLARING AN EMERGENCY. Mayor Goldhardt did a second reading of Ordinance 2020-23, title only.

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

Allan D. Goldhardt, Mayor

Wendy Hastings, Fiscal Officer