



**VILLAGE OF COMMERCIAL POINT
Special Council Meeting Minutes
November 29, 2021**

Mayor Goldhardt called the meeting to order at 6:30 pm. Administrative Assistant Baldwin took roll call with the following members present: Ms. Wolfe, Mr. Mitchem, Ms. Joiner, Ms. Geiger and Mr. Grassel. Mr. Thompson was not present.

Ms. Wolfe made A motion was made to suspend the procedural rules by Ms. Wolfe and seconded by Ms. Joiner. All members present were in favor. The motion passed.

Business Items:

A. Postponed Ordinances:

Ordinance 2021-37

Ms. Joiner said she had given Solicitor Cartee a list of questions regarding this ordinance. She asked about language under Section 9. She said this is language she has not seen in previous pre-annexation agreements. Solicitor Cartee said in pre-annexation agreements there is usually an understanding of all parties that if zoning approvals are not completed or do not fulfill the intent of the pre-annexation agreement, all parties will agree to rescind the annexation. Ms. Joiner then asked about the curb cut language under Section 5. Solicitor Cartee said per our Zoning Code, curb cuts do not require Council's approval. The agreement states that the village will allow reasonable curb cuts subject to the engineer's comments. Ms. Joiner then discussed Section 3. She feels the conceptual plan is locking the Village in and limits our options. She said we do not know what phase they are wanting to start first. She would like to see each phase come back to Council for approval. Mayor Goldhardt explained that with a PUD, typically you do the annexation agreement along with a development agreement. He said once both are approved, it is over. Typically, it does not come back to council to discuss each section. He said this is the process we did with the Scioto Crossing and Foxfire developments. Mr. Yokum of Rockford Homes then addressed council regarding past agreements and how theirs is different because they are still working through the final details. He said they will come back with a timeline of the phases. He outlined their process as he perceives it. Mr. Grassel asked if the pre-annexation agreement is completed, does that lock in the land use side of it? Solicitor Cartee said it does to some extent as it is currently written. Mr. Grassel asked if the new council comes in and they are against multifamily units, where does that leave them? Ms. Joiner said that is her concern with the agreement. She feels if Council passes it, they are locked into it. Solicitor Cartee said he believes there is room for compromise between the developer and council in this agreement. Richard Rickets, the developer's attorney, addressed council. He said from his perspective, the intent of the pre-annexation agreement is just to provide a road map and not lock in the details at this time. He said all of these items should come back before council in the text of the Development Agreement for the project. He also noted that going from the proposed concept to only allowing single family homes would not be realistic for them to do. It would also raise concerns about cost sharing. He asked how they could amend the language to make the Council feel more comfortable with the pre-annexation agreement? Solicitor Cartee proposed a change in the language within the first paragraph in section three. Council agreed to the change. Solicitor Cartee asked council not to take any action tonight. He will work with the developer and bring a new agreement back to Council with the changes they discussed.

Ordinance 2021-40

Mayor Goldhardt discussed the Projection Summary sheet he distributed to council. Ms. Joiner asked for an update from Solicitor Cartee on his meeting with the Port Authority. Solicitor Cartee said there is a theoretical interest in doing the Port Authority Bond with the caution that the K-Nova TIF revenues would not be sufficient enough to secure the bond and there would have to be other revenue streams devoted to it. Council then discussed the three impact fee options presented by Mayor Goldhardt and which one would be best for the village. Ms. Geiger said she would like to be as secure as possible. Mr. Grassel said he was trying to look into caps or a staggered approach to see if there should be a difference between commercial or residential. He does not see it being unreasonable on a residential house but he is not sure where to go on a warehouse. He asked if other municipalities are doing this? Ms. Joiner noted that most other



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central Ohio communities are not burdened with the cost of building and operating utility plants. Their services are provided by Columbus. There was discussion of the percentage fees and how much should go into each account. They decided upon 90% going into the water fund and 10% into the sewage fund for now. Council can then change the percentages as the financial obligations change in the future.

A motion was made to amend the agenda to add Ordinance 2021-40 by Ms. Geiger and seconded by Ms. Joiner.

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

B. Scannell Properties Major Site Plans:

Mayor Goldhardt advised Council that the engineers could not be present tonight, but he received a few comments from them. One of their concerns was an asphalt parking lot being built within our easement. Solicitor Cartee informed Council that the easement allows for it to be built. Ms. Joiner asked if there was an issue in the future and the asphalt were to be dug up, is it at our expense. Solicitor Cartee confirmed that it would be at our expense. Mayor Goldhardt will send the email to Council so they can review all of the engineer's comments.

C. Park & Recreation Committee:

Ms. Geiger said they have been working with South Central Power. She said they probably will not be able to hang lights this year. Ms. Geiger asked to use some of the Park and Recreation monies to purchase a new Santa mailbox. Solicitor Cartee said it could be done by motion.

Ms. Geiger A motion was made to authorize and direct the Village Administrator to spend up to \$500 on a Santa Mailbox by Ms. Geiger and seconded by Mr. Mitchem.

All members present were in favor. The motion passed.

Legislation:

First Reading:

Ordinance 2021-48 AN ORDINANCE TO REZONE 224.720 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM LOW DENSITY RESIDENTIAL (R-3) AND GENERAL COMMERCIAL (GC) TO PLANNED INDUSTRIAL DISTRICT (PID) AND ADOPTING THE PRELIMINARY PLAN AND DEVELOPMENT STANDARDS TEXT FOR THE PLANNED DISTRICT.

Mayor Goldhardt did a first reading, title only.

Ms. Joiner requested the wording be changed in Exhibit B, #5 to Drives/Multi-purpose path. Ms. Geiger expressed concerns over the building height since it exceeds what the zoning code allows. Ms. Geiger asked if a 65 foot building would show over the mounding. Mr. Bruce Moore, Attorney for K-Nova addressed council. He explained how site lines work on an angular basis. He said that clause is in the agreement because DHL is not sure which sector of the business will be built. He said they are prepared to give a complete presentation to council. Ms. Geiger said she needs to understand where the mounding will be in regards to the building. Mayor Goldhardt read a concern from our engineers regarding the traffic area. They have concerns with the entrances to DHL. Mr. Moore said one of the entrances is Emergency only and one of them is commuter traffic only, no heavy trucks. He said they understand they will need a de-acceleration lane. Ms. Geiger asked if ODOT would need to approve the three entrances from State Route 104. Mayor Goldhardt and Village Administrator Crego stated that ODOT has pushed all of those decision back onto the village. There was further discussion regarding concerns. Mr. Moore asked for the engineer comments to be shared with him so they can be addressed.

Ordinance 2021-49 AN ORDINANCE REQUESTING AUTHORIZATION FOR THE VILLAGE OF COMMERCIAL POINT TO PARTICIPATE IN COOPERATIVE PURCHASING PROGRAMS OF THE OHIO DEPARTMENT OF TRANSPORTATION PURSUANT TO OHIO REVISED CODE SECTION 5513.01(B), AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ACT AS THE VILLAGE'S AGENT UNDER SUCH PROGRAMS, AND CODIFYING SUCH REQUEST AND AUTHORIZATION PERMANENTLY AS SECTION 226.07 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT.



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Mayor Goldhardt did a first reading, title only.

Solicitor Cartee informed Council that this ordinance allows the village to participate in state purchasing programs.

A motion was made to suspend the readings by Ms. Wolfe and seconded by Mr. Mitchem.

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

A motion was made to adopt Ordinance 2021-49 by Ms. Wolfe and seconded by Ms. Joiner. Roll call vote: Mr. Grassel - Yes, Mr. Mitchem - Yes, Ms. Joiner - Yes, Ms. Wolfe - Yes and Ms. Geiger - Yes. The motion passed.

Ordinance 2021-50 AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A SNOW PLOW TRUCK IN THE AMOUNT OF \$80,012.00, WAIVING FORMAL COMPETITIVE BIDDING AND ADVERTISING REQUIREMENTS PURSUANT TO OHIO REVISED CODE SECTION 735.051, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a first reading, title only.

A motion was made to suspend the readings by Ms. Joiner and seconded by Mr. Mitchem.

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

A motion was made to adopt ordinance 2021-50 by Ms. Joiner and seconded by Mr. Mitchem. Roll call vote: Mr. Grassel - Yes, Mr. Mitchem - Yes, Ms. Joiner - Yes, Ms. Wolfe - Yes and Ms. Geiger - Yes. The motion passed.

Ordinance 2021-40 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.

Mr. Grassel asked if there is a problem with it being acted upon at a special council meeting since it was not on the agenda and Council added it. Solicitor Cartee said it is not a problem because the agenda said there would be a discussion and possible action.

A motion was made to substitute the language to reflect 90% of the impact fee going to the water fund and 10% going to the sewer fund by Ms. Geiger and seconded by Ms. Wolfe.

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

A motion was made to adopt Ordinance 2021-40 by Ms. Geiger and seconded by Mr. Mitchem.

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

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


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer