



**VILLAGE OF COMMERCIAL POINT
Special Council Meeting Minutes
January 18, 2022**

Mayor Goldhardt called the meeting to order at 7:30 pm. Fiscal Officer Hastings took roll call with the following members present: Mr. Crego, Ms. Wolfe, Mr. Mitchem, Ms. Geiger, Ms. Wolfe, Ms. Joiner and Mr. West. A motion was made to suspend the procedural rules by Ms. Geiger and seconded by Mr. Crego. All were in favor and the motion passed.

Business Items:

Council Dates - Mr. West feels with the amount of work they have to do it does not make business sense to only have one council meeting and one Committee of the Whole a month. He wants to go back to two council meetings and one Committee of the Whole Meeting a month. Ms. Joiner asked if he wants to follow the same schedule as before or does he want three separate dates. Mr. West said he would like to follow the same schedule as before. Ms. Wolfe agreed that it would keep things moving, however, many of the meetings became so much involved that she didn't feel like they accomplished what they needed to. Ms. Joiner asked if the time can be limited on the C.O.W. or could they start earlier. Council discussed options. Ms. Geiger said if they go back to the original schedule, she would like for the C.O.W. Meetings to start at 6:00.

A motion was made to amend the Council Date schedule as stated by Solicitor Cartee by Mr. West and seconded by Ms. Joiner. All were in favor and the motion passed.

Ordinance 2021-40 - Mr. Mitchem has a concern with the wording in the recently passed ordinance. He asked if a parking lot is an accessory structure, the builders will be hit hard and asked if Council really wants to do that. Council agreed that this was not their intent. Ms. Joiner explained the impact fee to Mr. West. She feels the ordinance needs clarification for that part as well as the part about Major Site Plan fees being collected upfront. She said there is nothing in the ordinance about refunding money if the site plan is rejected or charging them a second time if they have to resubmit their site plan. Ms. Joiner discussed a concern with Pizzuti regarding their Major Site Plans for multiple buildings. Mr. Crego said this is going to be confusing because we have already negotiated agreements with them. He said Council is changing laws for developers instead of having them file a variance request. Mr. West asked how we can fix the impact fee ordinance. Solicitor Cartee said the ordinance does not call for an impact fee on parking lots, just the square footage of buildings. He said the Zoning Code does not call for collecting the fee a second time, but he understands if Council would like it written into the ordinance. Mr. West asked about the process of Major Site Plans and fees associated with them. Mayor Goldhardt explained the process. Mr. Moore, Pizzuti's attorney, discussed how the language in the ordinance affects the developers. Ms. Joiner asked Fiscal Officer Hastings how it impacts her and the record keeping process. Fiscal Officer Hastings said developers do pay the Parks and Recreation fee upfront when submitting a Major Site Plan. She said there has never been a Major Site Plan denied by council. She said we have already started collecting impact fees for residential houses. Ms. Geiger said all she would add to the ordinance is clarification on refunds, if any. Council held further discussion. Solicitor Cartee suggested adding a subsection stating impact fees should not be collected on parking lots and the issue of not collecting on a second submission.

Legislation:

First Reading:

Ordinance 2022-04 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT (TIF AGREEMENT) WITH K-NOVA, LLC, AND HART COMMERCIAL INDUSTRIAL LLC, 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 Ms. Wolfe.

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

A motion was made to adopt Ordinance 2022-04 by Ms. Joiner and seconded by Mr. West.

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

Ordinance 2022-05 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 HART COMMERCIAL INDUSTRIAL LLC AS TO LOT 11 IN RICKENBACKER EXCHANGE – PART 3, 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.



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

A motion was made to adopt Ordinance 2022-05 by Ms. Wolfe and seconded by Ms. Joiner.

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

Ordinance 2022-06 AN ORDINANCE REPEALING AND REPLACING SECTION 1171.04(a)(5) OF THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT, AND DECLARING AN EMERGENCY.

Mayor Goldhardt did a first reading, title only.

Ms. Joiner asked for discussion. She asked Mr. West to discuss why he was asking for this ordinance. Mr. West met with Zoning Administrator Kuzelka, who explained his position. He then met with the Township Zoning Inspector to compare their code to ours. He said their code requires 10 feet less on setbacks and he doesn't understand why our code would be different from theirs. He then requested the Solicitor to draw up legislation. Ms. Geiger asked if council had a chance to read the email from the engineers. Mayor Goldhardt informed Council that he had just received an email from our engineer prior to the meeting. He said their concern is that changing the law could possibly cause all of our other developers to resubmit their site plans that are currently being reviewed. Ms. Wolfe asked why Pizzuti is requesting that Council change the law instead of them submitting a variance request? Ms. Geiger said she called several other villages and cities and was advised they do not change laws for developers, they typically follow the procedures that are already in place, such as submitting a variance request. There was further discussion. Ms. Geiger said she feels this discussion is good but they just received it this evening and does not feel it is something they need to be waiving readings on. Ms. Joiner said she does not like the word Zoning Board but thinks we need a Zoning Committee with a couple of council members and residents. Mr. West said he would like to hear from the developer. Mr. Moore addressed council. Ms. Geiger and Ms. Joiner informed Mr. Moore how they feel information should be handled going forward with council and the administration. Ms. Joiner asked why they can't request a variance and follow our process. Mr. Crego said they could submit a site plan and variance request simultaneously. Mr. Scala addressed council. Ms. Joiner asked if a variance could be submitted with the Major Site Plan. Mayor Goldhardt said yes, that is exactly what Van Trust did recently. Ms. Joiner asked Alex, from Pizzuti, if they would be able to do that. Alex said they are not here to threaten to pull out. However, he said time is money and they have already seen an increase in products. He said their hope was to have the Major Site Plan already approved but some meetings did not go their way. He said they have been working with Structure Point and Mr. Moore on the variance, but it will cost them money. There was further discussion between Alex and the Council. Zoning Administrator Kuzelka offered some suggestions on wording. Ms. Geiger said they have a meeting coming up on Monday where it can be further discussed, but she is not comfortable moving forward since this was just received this evening. Ms. Wolfe said she agreed. Solicitor Cartee said he has heard discussion of the side yard setbacks from parking lots and accessory structures. As it is currently written, the side yard setbacks would apply to main structure so before council acts, they will want to amend that language to exactly what they want. He offered a wording substitution to Council.

A motion was made to substitute the language as stated by Solicitor Cartee by Mr. West and seconded by Ms. Joiner.

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

A motion was made to substitute Exhibit A as stated by Solicitor Cartee by Ms. Joiner and seconded by Mr. West.

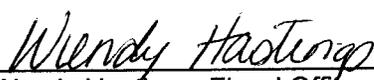
Roll call vote: Ms. Joiner - Yes, Mr. Mitchem - Yes, Mr. Crego - Yes, Ms. Geiger - No, Ms. Wolfe - Yes and Mr. West - Yes. The motion passed.

A motion was made to suspend the three readings by Mr. West and seconded by Mr. Mitchem.

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

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


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer