

**Village of Commercial Point
Committee of the Whole Minutes
May 16, 2016**

Mr. Sadler called the meeting to order. Administrative Assistant Baldwin took roll call with the following members present; Mr. Laxton, Mr. Sadler, Mr. Geiger, Ms. Evans, Mr. O'Neil and Mr. Townsend. Mayor Joiner, Solicitor Hess and Engineer Grosse were also in attendance.

Mr. Laxton made a motion, seconded by Mr. Geiger to approve the April 18, 2016 Committee of the Whole Minutes. All members were in favor with the exception of Mr. Townsend who abstained. The motion passed.

Solicitors Report: Solicitor Hess said there are a lot of things currently going on. He said he is involved in a number of negotiations involving land use in the village. He said none of them are finalized right now. He said they are working with Foxfire and Lehman on annexation. He said he hopes to have something to council for the June meeting so they can begin discussion. He said they are still working on trying to acquire permission to enter for wellfield testing site. He said he had a meeting in regards to that and they are waiting to hear back from the property owner with the terms. He said he would characterize that meeting as "fruitful". He said there was no agreement reached but had a good skeletal meeting. He said he is hoping to have something for the June meeting in regards to this issue. Solicitor Hess said a pre-trial has been set in federal court for July in regards to the ongoing litigation. He said continued discovery is still being exchanged by the parties and they are working towards trial or a resolution. He said the judge that was assigned to the case has retired and it has been reassigned to a new judge. He does not think this should delay proceedings.

Mayors Report: Mayor Joiner said we acquired a new speed trailer for \$1000.00 from the City of Gahanna. He said this is a \$7500.00 piece of equipment that is almost brand new. It is mobile and can be moved around residential areas. He said Chief Jordan has been doing a good job. He said we have 90+ hours of police coverage. He said from a budgetary standpoint we are spot on. He said he spoke with the City of Gahanna and they gave them Mark 7 walkies free of charge. He said the water plant staff are doing a great job. Mr. Geiger asked in regards to the mobile sign, where did the money come from? He asked if it was money that was appropriated and left over from the other sign? Mayor Joiner said he does not know where the money came from and will have to ask Fiscal Officer Hastings? Mr. Geiger said it is important to know because they have to manage the budget. Ms. Evans asked Administrative Assistant Baldwin if she knew? Administrative Assistant Baldwin answered no. Ms. Evans said they probably need to have Fiscal Officer Hastings do a Balance sheet of where we are at this point. She asked if we still have plans for the additional 16-hour position. Chief Jordan said the second 16-hour position actually takes place in June and the changing of himself and the other officer from part-time to fulltime takes place in August. Ms. Evans asked if we have Officer Kelly at 16-hours already? Chief Jordan said Officer Kelly is on Military leave and Officer Jackson is filling in as a temporary employee to fill the void. He said Officer Jackson has expressed interest in filling the other 16-hour position so we would look at 32 hours combined with Officer Kelly and Officer Jackson. He said then add Officer Waas and his hours. Mr. O'Neil asked if the tractor signs have been removed? Mayor Joiner said yes. Mr. Sadler asked how we look for the Homecoming in regards to police coverage. Chief Jordan said he and Mr. Hooley are going to meet to map everything out. He said the main concern seems to be in the beer garden and concert area. He said Mr. Hooley mentioned they are going to have "event" staff

**Village of Commercial Point
Committee of the Whole Minutes
May 16, 2016**

handle the situations onsite and can do in-house security. Mr. Hooley mentioned to Chief Jordan about hiring two police officers in the event of a situation escalating. He said all officers will be scheduled, mostly for the weekend. He said Wednesday and Thursday you can get by with one or two officers. He said the Sheriff's officers will also be there on the weekend. Mr. Sadler asked if we need to close the streets? Chief Jordan said for the parade a couple streets will be closed temporarily but the Men's Club Officers are good about blocking those off.

Engineer's Report: Engineer Grosse said all the pieces of the annexation and the well field are in Solicitor Hess ballpark. He said the next step involving Engineer Grosse after the paperwork is signed is drilling a test well and hopefully find a suitable source of water then do the big test well. He said Solicitor Hess will bring to council the amount negotiated then it will be up to council to approve or not. He said he did meet at Walker Point and reviewed the ponds. He said there are issues but the HOA said they do not have the money to fix the ponds and has asked the Village Council to assist with the cost. He said he will put together some numbers and present them to council and they can decide what involvement is appropriate. He said he does think there needs to be a sharing of responsibility. He said council does not need to pick up all of it but participate at some level; HOA participates at some level and perhaps Maronda Homes participate also. He said they haven't been taken care of. He said the HOA said they do not have the funds in their bank account. Ms. Evans asked if there were 2 ponds? Engineer Grosse said there are 4 ponds but 2 are big problems. He said they found one pond that had a concrete channel, but the others do not. He said our new requirements include the concrete channel. The other ponds were prior to our requirements. Mr. O'Neil asked for an update on the plan to bug spray the town? Engineer Grosse said he has not received any information back. He has contacted Mr. Bug, who has sprayed other communities. He said the dollar amount should not be large and really should not have to come back to council for approval. He said he will work with Mayor Joiner on this and he can let council know when it has been completed. Mr. O'Neil said he emailed Mayor Joiner a link from a 10TV news story. He could not recall what agency was paying for it. He said there was grant money through an agency that will pay for a company to spray the town to help with the prevention of the Zika virus. Engineer Grosse asked Mr. O'Neil to please email him the information. Mr. O'Neil said yes he will go back through his files and look for it. Engineer Grosse advised he has a new email address: jgbg5g@sbcglobal.net. Mr. O'Neil asked if administration has discussed the tank maintenance plan? Engineer Grosse said no discussion but there is a meeting Tuesday. Mr. O'Neil asked if the trash cans for the center of town have been ordered? Mayor Joiner said yes. Engineer Grosse notified council he will not be in attendance for the June Council Meeting. He said he will have a report for council prior to him leaving. Mr. Sadler asked Utility Superintendent Thompson if he had any information to share. Utility Superintendent Thompson said they have been working with Intellivave at Chestnut and they are 40% completed. He said feedback from the residents has been great, they are keeping everything clean. He said they did receive the 6-inch diesel backup pump. He said it is at the plant and they have test drained it. Works well.

Additional Items:

PJ Rings Variance Request: Mr. Sadler asked for feedback on the height. He said in the May 2nd meeting Mr. Rings was asked for accommodation on the height if council desired. Mr. Sadler asked Council if they are

**Village of Commercial Point
Committee of the Whole Minutes
May 16, 2016**

asking him for a reduction. Mr. O'Neil said 2 foot is not much of a compromise. He said he is still 10 foot over the limit. Mr. Sadler said that is why he is asking for a variance. Mr. Sadler said what he is requesting is a 28-foot barn but he is saying if we thought 25 would help to grant the variance he is willing to reduce the height. Ms. Evans said that is why she asked the question, if he goes any lower would that allow him to be able to do what he needs to do? Mayor Joiner said they discussed it at length the other day. He said we have an ordinance that would allow him, since he abuts to a B1 property to move his building about 100 feet off the property line, he can build his building with no approval. He said Mr. Rings has chosen to come in here and obtain their buy in. He said in looking at this, we can have the ability to control the situation. He said as council and leadership that needs to be taken into consideration. Ms. Evans asked if he owned the property. Mayor Joiner said no it would be the golf course. Ms. Evans said hypothetically he could, but he can't. Solicitor Hess said yes he can, if you abut a B1 property, within 100 feet on your property it is considered a transitional zoning. He said in talking with Mr. Rings it's not the most ascetic place but he can do that. He said his lot is governed by 1262.02 of our village ordinances. He said 1264.05 is transitional use and talks about any R1, R2, or R3 district across from a B1 can use the B1 zoning but it shall not extend more than 100 feet into the residential district as measured by the side lot line. He said Mr. Rings does have the ability to build it, whether he would, we do not know. Ms. Evans asked if we are concerned with precedent? Mr. O'Neil said yes he is. Mr. Sadler said he used the County Auditors website and there are 15 properties in the village over 3 acres. He said many of them are owned by businesses and a few residential. Mr. O'Neil said he would guess the zoning book does not specify whether it is ½ acre, 1 acre or 500 acres. He said if someone with a ½ acre wants to put up a 28 foot building and we approve Mr. Rings building, by precedence someone else could have a 28 foot building on a smaller lot. He said the zoning book doesn't say you have to have a minimum of 5 acres. Mr. Townsend said that is why it says you apply for a variance. He said they do not have to grant it. Mr. O'Neil said if Mr. Rings gets his and they don't get theirs, why? Ms. Evans asked if that would be deed restriction at that point? Mr. O'Neil said not if the lot doesn't have a deed restriction. Ms. Evans said most of them will have deed restrictions. Mr. Geiger said that is why you do a case by case review. Mr. Geiger said you have to see if it fits. Mr. O'Neil said he is curious to know who the other people are that requested a tall building and were turned down. He asked Mr. Albright if that is information he can share. Mr. Albright said they told him they were coming to the meeting but did not attend. Mr. Laxton said to him that is irrelevant because it has not been presented to this council. Mr. O'Neil said knowing that he would be curious to go back and look at those Public Hearing minutes. Solicitor Hess said there was no Public Hearing. Mr. O'Neil asked if they wanted a larger building that would be above our height, they didn't have a variance hearing for him? Solicitor Hess said he has never seen an application since he has been with the village. Mr. Albright said they did not come for a variance; they were told they could not have a building that large. Mr. O'Neil took it differently he thought they came to council and we denied it. Mr. Albright said no they didn't know about the variance. Mr. O'Neil said there are potentially 2 more cases for a larger building to consider. Mr. Townsend said absolutely and it would be a case by case basis. He said they will review them individually. Ms. Evans agreed. She said it doesn't mean if they approve Mr. Rings they approve everyone. Mr. O'Neil said he knows they don't have to but if you let one and not another you need to have a good reason or could open it up to future legal issues. Mr. Sadler said in the zoning book they as council have 5.206 which are supplementary conditions and safeguards that when they grant an appeal or variance they

**Village of Commercial Point
Committee of the Whole Minutes
May 16, 2016**

are allowed to outline appropriate conditions and safeguards and those would be violations. He said there is a concern around using it for a church or living in it. Mr. Geiger said also improper drainage so it doesn't push off on a neighbor. Mr. O'Neil said he does not think that has to be put in the variance. He believes it is already in the Ohio Revised code. Mayor Joiner said from a leadership standpoint we need to do a better job as an administration, managing these new builds. He said as an example the Walker Point pond requirements should have been caught or was not in the zoning which we have now. Mr. Geiger said his question on the ponds, is that something our Zoning Inspector inspected before they turned it over? Mayor Joiner said he did not know. Mr. Geiger asked is that something he should inspect before it is turned over. Engineer Grosse said the problem is they did not have any additional requirements when it was first done. He said the new requirements are now very explicit. Mr. Geiger confirmed that is something our Zoning Inspector would check now? Engineer Grosse said yes. Mr. O'Neil asked if we ever found a Zoning book prior to 2004? Engineer Grosse said he looked and he did not have one. Mr. O'Neil said he believes that is when the concrete channel was enacted. He said the one by his house may or may not have been covered in the book. He said it may be too late now but if something was in there prior to 04 Maronda may need to pay for it. Mr. Sadler asked if there was anything else on the Mr. Rings issue?

Reserve Officer Fund: Solicitor Hess requested council to nominate members from the community to be on the board. He asked them to email him with the individual names and numbers before the next council meeting. Mr. Laxton asked if he sends the information, will he contact the individual. Solicitor Hess said he would contact them, however he can try and explain it to them the best he can. He said he is assuming they will want to know the number of hours but he can gage his answer the best he can. Ms. Evans asked how many? Solicitor Hess said they will need 2 from this board and the Reserve Officers would nominate 2 and those 4 will nominate the 5th person. Mr. Laxton said he knows someone in Walker Point who is retired police who could have an interest. Mr. Sadler asked if they need to be law enforcement. Solicitor Hess said no.

Mr. O'Neil asked Engineer Grosse regarding a HUB in Chestnut for Intelliwave and does he have a decision on that. Engineer Grosse said he has not received any request for that. Mr. O'Neil didn't know; they could have put it on private property. He said the last he heard they were trying to get ahold of the HOA to get access to the back park. He said they were thinking about getting approval for the front of the road and he expressed how bad it would look and could be costly if a car hit it in the winter. Engineer Grosse has not received anything on it. Mr. O'Neil asked if they are going to discuss the Engineers position tonight? Mr. Sadler said they can. Mr. O'Neil said they should. He said he has not seen any information on it and in the last Executive Session they said they were going to discuss it tonight. Solicitor Hess said the Village Administrator has put together a job description and sent it to him and he can share it with council. Mr. O'Neil is worried about waiting too long. He said he does not know what there is to discuss since no one has any information. He asked if they need to have another meeting before the regular meeting. Mr. Sadler said he believes they are waiting for the job description, pay range and modify the Employee Guidelines. Ms. Evans said also the balance sheet. Mr. O'Neil wants to know if they are going to call for a special meeting between now and the June meeting? Mr. Sadler confirmed with Solicitor Hess that Village Administrator Crego has written a job description. Solicitor Hess said correct. Mr. Sadler asked who is asking for the

**Village of Commercial Point
Committee of the Whole Minutes
May 16, 2016**

position. He asked is it the Mayor, the administrator or both? Mayor Joiner said it is a joint recommendation to council. He said obviously with Johns skill set and knowledge of this village we will need to pay someone regardless. He said its either you pay Stantec and someone who is not familiar with our village and all the things currently going on or we pay Engineer Grosse a proposed \$50 per hour with a set limit on his hours per week. He said we will always need someone to look over contracts. He asked Engineer Grosse to elaborate. Ms. Evans said we will need a history of what we have paid Stantec for his service. Engineer Grosse said previously it was contracted with the Engineering firm and he worked for the Engineering firm. He said most of the fees were paid through development deposits. He said hourly rates are usually \$120 per hour or more. He said this position would not be a design position and would not totally eliminate the use of the firm. He said this position would primarily work with issues with Intelliwave, drainage at Walker Point, etc. Mayor Joiner said instead of being a 1099 person we would take on workers comp and OPERS. Mr. Sadler asked if we will use Stantec less? Engineer Grosse said yes. Mr. Sadler asked if Engineer Grosse won the lottery and left, what would this village do? Would we just go to Stantec and ask for replacement? Mayor Joiner said yes. He said he may not provide all the services Engineer Grosse does. Mr. Sadler said they will wait for the job description from Village Administrator Crego and Mayor Joiner to bring the proposal to the council. Mayor Joiner said since Village Administrator has provided the job description to Solicitor Hess, they will get that to council. He said it will then be council's responsibility from a financial standpoint to review the budget and say if we can afford it and set the price parameter. Mr. Laxton asked if Engineer Grosse would be able to review the description before it goes to council? Mayor Joiner said yes. Mr. O'Neil asked if we will wait to the next council meeting to vote on it. Mr. Geiger said he would like to see the proposal before that happens. He said without the job outline and budget it is hard to decide that. Mr. O'Neil said he understands that but he thinks they need to be back together to discuss it. He asked if they are going to wait until the next meeting to discuss it or will they meet before then? Mayor Joiner said his suggestion is let them get this out to council and council takes their time to do their due diligence. He said if there are questions on the contract, ask himself or Mr. Sadler. He said if not then he recommends they have a special meeting prior to the next council meeting. Mr. Sadler said they will be voting on the variance the next meeting anyway. Ms. Evans said there is no way they can be ready to vote at the next meeting. She said they need the history of pay, they don't know the difference between specifics vs design, what has that breakdown been over the past 3-5 years. Mr. Sadler said the burden falls on the Mayor and Village Administrator Crego to provide that information needed. Mayor Joiner said he will have the information sent out by close of business on Friday to council. Ms. Evans asked Administrative Assistant Baldwin to ask Fiscal Officer Hastings if there is any way she can break out design vs contractual vs services. Engineer Grosse said yes she can. Administrative Baldwin said she would discuss it with Fiscal Officer Hastings when she returns to the office on Thursday.

Mr. Geiger asked Engineer Grosse what are Intelliwave plans for West Scioto Green and the village? Engineer Grosse said they have not given him a timing schedule. He said they have submitted a package of plans. He said he does not have the schedule.

Mr. Townsend motioned to adjourned, Ms. Evans seconded. All in favor. Meeting adjourned.

**Village of Commercial Point
Committee of the Whole Minutes
May 16, 2016**

David Sadler, President of Council

Wendy Hastings, Fiscal Officer

*Minutes provided by Paula Baldwin, Administrative Assistant