

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
September 14, 2015**

Mayor Hammond called the meeting to order, followed by the Pledge of Allegiance. Mayor Hammond then asked for a Moment of Silence to honor our Men and Women; Past and Present; for their Military Service to our Country. Fiscal Officer Hastings took roll call with the following members present: Mr. Shelton, Mr. Geiger, Mr. Wissinger, Mr. Laxton, and Mr. Sadler. Solicitor Hess and Chief Jordan were also in attendance. Ms. Evans and Engineer Grosse were absent.

Mr. Laxton made a motion, seconded by Mr. Geiger to approve the August 3, 2015 Regular Council Meeting Minutes. All members were in favor with the exception of David Sadler who abstained. The motion passed.

Mr. Laxton made a motion, seconded by Mr. Shelton to approve the August 17, 2015 Public Hearing Meeting Minutes. All members were in favor. The motion passed.

Mr. Laxton made a motion, seconded by Mr. Sadler to approve the August 17, 2015 Special Council Meeting Minutes. All members were in favor. The motion passed.

Administrative Reports:

A. **Mayor's Report** – Mayor Hammond said Engineer Grosse will be a little late tonight. He said there are a lot of things that Engineer Grosse needs to go over with Council and he wanted to make sure that Council gave him that option once he got here. Mayor Hammond said all things were quiet and that he was only hearing good things about the Sheriff and Chief Jordan. He said the Police Officers are doing well and the school hours are covered. He asked Chief Jordan if the school hours were being covered. Chief Jordan said he was here from 6:30 a.m. – 2:30 p.m. Tuesday – Friday. Mayor Hammond said his goal is to have the school hours covered.

B. **Village Engineer's Report** –

C. **Village Solicitor's Report** – Solicitor Hess said there is a full slate of legislation for Council tonight. He said there is a third reading for Ordinance 2015-07 regarding Third Street being a one-way street. He said there is a second reading on Ordinance 2015-08 regarding additional language to the zoning code with regards to swimming pools. He said there is a second reading on Ordinance 2015-09 with regards to the RITA tax and making changes to the language. Solicitor Hess asked that this ordinance be read a third time and not voted on tonight. Solicitor Hess said there were a number of things for first reading tonight. He said Ordinance 2015-10 is needed to establish a minimum usage and monthly rate for a 3" water tap. He said we have current customers that this affects. Solicitor Hess said Ordinance 2015-11 is a proposed annexation agreement for Chestnut Estates. He said they are asking for a pre-annexation agreement to include additional properties. Solicitor Hess said Resolution 16-2015 is a resolution needed to transfer money to pay for the newest contract with the Pickaway County Sheriff Department. He said Resolution 17-2015 is a routine resolution that is needed by the Pickaway County Auditor to accept the amounts and rates for the tax levies. Solicitor Hess said Resolution 18-2015 is adopting a statement of services for the proposed addition to Chestnut Estates. He said there is a 20 day timeframe and our next meeting is out of that date range. He said this will have to be passed by emergency if Council agrees. Finally, Solicitor Hess said Resolution 19-2015 is authorizing the Mayor and/or Village Administrator to sign a contract with the sidewalk contractor to begin our sidewalk project for 2015.

D. **Police Department Report** – Chief Jordan handed out the current police report and summarized a few key points. Chief Jordan said he would like to see an ordinance/resolution drafted to get rid of the Dodge Durango that is no longer in use. He said he spoke with the fire chief who is interested in using the vehicle for training. Solicitor Hess said he will review and get back to Council. Chief Jordan informed Council that Officer Cory Owen had resigned his commission with our department. He said Officer Owen had turned in all of his equipment.

E. **Village Administrator** – No report

F. **Fiscal Officer Report** – Fiscal Officer Hastings gave the following report. Fund balances as of August 31, 2015 are as follows: General Fund - \$ 1,330,135.52; Street Construction Maintenance and Repair - \$ 229,094.84; State Highway - \$ 19,955.62; Parks and Rec - \$ 3,033.57; Permissive Motor Vehicle - \$ 7,489.28; Enforcement and Education - \$ 1,160.00; Housing Developments - \$ 14,052.89; Water Operating - \$ 2,375,750.90; Sewer Operating - \$ 2,204,535.78; Garbage Operating – \$ 19,462.04.

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Legislative Reports:

1. Randy Shelton – Mr. Shelton reported that had discussions with residents that live on Grove Run Road. He said he has received a petition signed by the residents of Grove Run Road, to have the “no parking” signs removed. He said this is the only street in the Village to have these restrictions. He said the side that the people are allowed to park on is also the side that the fire hydrants are on. He said no ordinance or resolution could be found to have these signs put up and that only a motion was made and voted on. Mr. Shelton said he did some measuring of other streets within the Village and found that Yukon Dr. is 27’ wide, Chestnut Estates Dr. is 32’ wide and Grove Run Road is 33’ wide. Mr. Shelton said if there is one road wide enough for parking on both sides of the street, it would be Grove Run Road because of its width. Mr. Shelton feels this is a hardship for the residents on Grove Run Road. He is asking for a resolution to be drafted to remove the “no parking” signs on Grove Run Road. He doesn’t feel they are necessary. He said there is school traffic that uses this street as well as one bus for the high school kids. He said it is important to give the residents what they are requesting. He asked Council for their support and Mayor Hammond and Solicitor Hess to draft a resolution/ordinance. Mayor Hammond asked Mr. Shelton if he had determined the intended purpose of the signage. Mr. Shelton said he felt it was due to increased traffic for the school. Mayor Hammond asked about the first stop sign as you pull into West Scioto Green. Mr. Shelton said he would like to see the first stop sign coming in from Scioto Darby Road be removed as well. Mayor Hammond said if we are going to clean up the area, let’s do it all. Chief Jordan said the intent was to slow down the traffic. He said the stop sign does catch people by surprise. Mayor Hammond asked Chief Jordan if he thinks the stop sign is needed. Chief Jordan said the intent of the sign when it went up was to slow the traffic down. He said per ODOT, stop signs are not meant to slow people down however they are used to stop traffic at intersections where it is dangerous to have continuous traffic flowing through. Chief Jordan said there should be a stop sign at the intersection of Walnut Creek and Grove Run stopping the traffic on Walnut Creek. Mayor Hammond asked Chief Jordan if he saw a safety issue if the stop sign coming into the development was removed. Chief Jordan said for the intent of why it was installed at that location is not the job of a stop sign, but it is a speed limit sign’s job. Mayor Hammond said with this information from Chief Jordan, he asked Mr. Shelton to add the removal of the first stop sign on Grove Run Road from Scioto Darby into his proposed legislation. Mr. Shelton agreed. Mr. Shelton confirmed Chief Jordan’s hours as 6:30 a.m. – 2:30 p.m. and suggested more police visibility at the intersection of Walnut Creek Drive and Grove Run Road, closer to the school. Chief Jordan said that is one location where he patrols currently and runs radar. Solicitor Hess said he would like to speak with Engineer Grosse regarding these signs since he was here when the signs were installed. He said he will still prepare the legislation, however maybe there are other reasons that Engineer Grosse will explain as to why the signs were installed. Mr. Sadler asked Mr. Struckman what his thoughts were on the signs. Mr. Struckman said it is easier to clean the roads when no cars are parked on it; however he understands what the residents are requesting. He said he deals with cars parked on both sides of the street everywhere else.
2. Nicole Evans – Nothing to report
3. Clarence Wissinger – Nothing to report
4. David Sadler – Mr. Sadler reported that he did a ride-a-long with our Police Department in August.
5. Mark Geiger – Mr. Geiger reported some of the people on Peter’s Run Court are worried about a fire truck getting into their area of the neighborhood with the green space that is in the center of the road. He said he would like to speak with the rest of the residents in the cul-de-sac to see what their thoughts are. Mr. Shelton said that he was in that neighborhood earlier today and it is a tight fit. He said there is one no parking sign on the street and feels if there was a car parked on the road, he would have had difficulties getting through in his own truck. He said he doesn’t know how a fire truck or squad would fit in there. Mayor Hammond said that might be something we want to talk to the fire chief about. He said normally, like in Grove City, nothing is approved until the fire chief signs off on it. He said that is his experience in Grove City and Columbus. Mayor Hammond said Chief Welch is a good resource to check with. Mr. Geiger said as long as no one parks on the street, there is ample room, however sometimes people park on the cul-de-sac. Mayor Hammond said he had visited with a few residents in that area and had told them the first time a vehicle parks on that street they are to call the police and the vehicle will be towed.
6. Brad Laxton – Nothing to report

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At this time, Mayor Hammond opened the floor for citizen's comments. Ms. Becky Blevins asked if the vacating of the alley had been recorded. Ms. Hastings said it had. Ms. Blevins asked how the residents that are affected know what property belongs to them now. Solicitor Hess said that would be a question for Engineer Grosse. Ms. Blevins said they are cleaning the ditch along her property. She said they will be dragging it back along the north side so it can be mowed, maintained and look nice. She said Engineer Grosse had a stipulation that stated "any restoration of the ditch after a storm would be the responsibility of the Blevins". Ms. Blevins said it sounds like once they improve the ditch, the Village isn't going to maintain it. She said she had spoken with Mr. Shelton and he thought he had a clarification on the comment, however she wanted to say it tonight so that the response was on record that any damage a storm would do to that ditch was not the Blevins' responsibility. She said she wants clarification from Engineer Grosse on the meaning of that statement. Mayor said the last conversation he had with Engineer Grosse was that he was going to meet with the Blevins and get their proposed plan of what they wanted to do to the ditch. He said once Engineer Grosse reviewed the plan, he would give his approval or other recommendation. Mayor Hammond said that was the last conversation he had with Engineer Grosse regarding the ditch. Ms. Blevins said she received an approval back from Engineer Grosse but had concerns regarding a stipulation he had in the email. Mayor Hammond said he would leave it up to Solicitor Hess and Engineer Grosse for the explanation of the stipulation that was in the email. Mayor Hammond said he did not receive the email. Mr. Shelton said he had spoken with Engineer Grosse and Ms. Blevins last week. He said Ms. Blevins felt that if a storm would destroy the ditch, the Village would not repair it. Mr. Shelton said what Engineer Grosse was stating in the email was if a storm would come and destroy the feathering back of the ditch that the Blevins did, the Village would not be responsible for repairing the ditch back to the way the Blevins had it. Mayor Hammond said the Blevins were not to impede the flow of the ditch. Ms. Blevins said item #2 of the approval email said the ditch must remain open at all times and the flow cannot be restricted. Ms. Blevins is asking for clarification of what Engineer Grosse meant in item # 3 of his approval. Solicitor Hess said we will ask Engineer Grosse to clarify in writing with an expanded explanation via email. Mr. Shelton said he would email Engineer Grosse the response that he sent to Ms. Blevins. Mayor Hammond clarified what he thought was going to happen. He said a proposal was to be submitted to Engineer Grosse for his approval. Once the approval was given, the Blevins would be able to start the project. Mr. Shelton said he would send his interpretation of the approval with stipulations on to Engineer Grosse to make sure that was what he meant. Mayor Hammond asked that Village Administrator Shelton be involved as well.

Mr. Keavin Hill said he had a few things for Council tonight. First, he said since he had gone to Circleville and the ordinance regarding the farm equipment has been deemed as unconstitutional, why are the signs still up in the subdivisions. Solicitor Hess said the decision in Circleville may be appealed. Mr. Hill asked if that meant the Village may be moving ahead with litigation. Solicitor Hess said that was correct. Mr. Hill asked about Third Street being made a one-way. He asked for an update on the status of this street. Mayor Hammond said over 1 ½ years ago, Council had requested one-way signs be put up on Third Street. He said that Council had requested again it be done when it wasn't done right away. He moved forward with it a few months ago and had the signs put up only to find out that legislation was needed to make a street one-way. Mayor Hammond said this wasn't a new item that was just discussed recently and he has the minutes to back that up. He said all the streets are one-way in that area except for emergency vehicle use, probably due to the width of the street. He said they aren't wide enough to have two cars pass each other on them. Mayor Hammond said this wasn't his idea and only done because he was instructed by Council. Mr. Hill said if Council has instructed Mayor Hammond to do this twice, he would like to see copies of the minutes. Mr. Hill said he knows Mr. Kaiser likes to use Third Street as a two way street, however the only other people that this would affect is Mr. Struckman, Ms. Pifer and his own farm access. He said one concern that the Council has is farm machinery going in and out of Chestnut Estates. He said farm machinery cannot go in and out of that alley no matter what way is marked one-way. He said that his semi-trucks can use the alley either way. He said the Jahn's took their crops off of this farm using the access of Walker Point when they farmed it. Mr. Hill said since he purchased this farm, they have taken most of the grain in and out of the alley because there is no reason to go through the subdivision when they can use Third Street. Mr. Hill said making Third Street one-way would not only force the farm equipment to use Walker Point subdivision, but also his semi-trucks. Mayor Hammond asked Mr. Hill if they cannot use Harsh Alley when they leave the field. Mr. Hill said they can't make the turn.

Mr. Jason Thompson said he was here tonight on behalf of the Commercial Point Men's Club. He said they put on the Homecoming every year and it is very helpful to have our own police department to help out. He said in the past, the Men's Club had compensated the officers for working during the Homecoming, however for whatever reason, this year the officers were not allowed to be compensated. He said during the Men's Club meeting last month, it was decided to make a donation to the police department that would allow them to purchase equipment that they need. Mr. Thompson said he had a check in the amount of \$ 550 from the Men's Club that he would like to present to Chief Jordan for their help during the Homecoming. Mayor Hammond asked Solicitor Hess if there was anything that would

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not allow this donation earmarked for a certain purchase. Solicitor Hess said he was unaware of anything that would prohibit the donation. Mr. Thompson requested something in writing letting the Men's Club know what item was purchased. At this time, Mr. Thompson gave Ms. Hastings the check for her to deposit. Mayor Hammond thanked Mr. Thompson and said it was appreciated.

Mr. Struckman asked Council if they would speak to the bank regarding getting a tree removed at the St. Rt. 762 intersection. He said there is a lot of traffic that goes through there and it is difficult to see. Mayor Hammond asked if the tree was in the right of way. Solicitor Hess said he would have to check. Mr. Kuzelka said it was trimmed back a while ago; back to where it was allowed to be. He said that he had spoken with Sheena at the bank and told her of the complaints he has heard regarding that tree. He suggested to her to have it cut down or trimmed very well. He said she was aware of it and has been working on a solution. Mr. Kuzelka said that it does meet the requirement for the placement of a tree in the easement. Solicitor Hess said he would review the tree with Engineer Grosse and get back to Council.

At this time, Mayor Hammond said the date for Trick or Treating was set back in the January 2015 meeting. The date is October 31, 2015 from 6:00 p.m. – 8:00 p.m.

Legislation:

Ordinance 2015-07 – AN ORDINANCE DESIGNATING THIRD STREET FOR ONE-WAY NORTH TO SOUTH TRAFFIC AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNAGE GIVING NOTICE TO THE PUBLIC OF SUCH ONE-WAY TRAFFIC. Mayor Hammond did a third reading on this ordinance. The ordinance died due to lack of a motion. Mayor Hammond asked Chief Jordan to make sure the signs are taken down.

Ordinance 2015-08 – AN ORDINANCE APPROVING AMENDMENT TO THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT, OHIO Mayor Hammond did a second reading. Title only.

Ordinance 2015-09 – AN ORDINANCE AMENDING ORDINANCE 2008-12 AND CHAPTER 171 OF THE CODIFIED ORDINANCE OF THE VILLAGE OF COMMERCIAL POINT, OHIO. Mayor Hammond did a second reading. Title only. Solicitor Hess said this pertains to the RITA tax and is necessary to make the updates to our existing ordinance. He asked that this go for a third reading and that all of Council takes the time to review the legislation for this ordinance.

Ordinance 2015-10 – AN ORDINANCE TO ESTABLISH WATER RATES IN THE VILLAGE OF COMMERCIAL POINT AND TO ADOPT A WATER RATE SCHEDULE AND DECLARE AN EMERGENCY. Mayor Hammond explained that presently we have no monthly fee for a 3" water meter. He said this is just cleaning up some stuff that was missed. Ms. Hastings said nothing else had changed from the other size taps. She said we didn't have a rate or minimum monthly gallon usage fee for the 3". She said this information was calculated by Engineer Grosse using the EPA specifications. Mr. Laxton made a motion, seconded by Mr. Sadler to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed. Mr. Sadler made a motion, seconded by Mr. Geiger to adopt Ordinance 2015-10 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed.

Ordinance 2015-11 AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH WESTPORT HOMES OF OHIO, INC. TRUSTEE DEWIGHT A. IMLER, JAMES L. AND SHARON R. JENKINS AND SI OHIO PROPERTIES, LLC AND DECLARING AN EMERGENCY. Mr. Geiger asked what changes have been made to this new agreement. Solicitor Hess said two additional properties, the Jenkins property and the property owned by SI Ohio Properties, LLC, were added to the agreement. He also said a request to rezone the property to PUD is included as well as language to ensure the size of lots and homes stays the same as the existing subdivision. Mr. Tom Hart, attorney for Westport Homes, passed out a proposed plot plan for the new section of Chestnut Estates. He said adding the additional properties does not allow for the addition of more homes, however does allow for a bigger size storm drain to be put in place. Mr. Hart said a lot more detailed work was done since the last meeting and it was decided that a larger storm drain was needed. He said having the additional two properties included in the annexation gives not only Westport Home what they need but also the Village for any improvements down the road. Mr. Shelton asked why this needs to be done as an emergency. Mr. Hart said Chestnut Estates is out of lots to sell and there is a high demand from a lot of the current residents for something new/larger. He said they would like to hit the Spring/Summer markets for new houses. Mr. Hart said they will come back and file the zoning application and go

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through the full hearings. He said there is a limited amount of time to act on an annexation. Mr. Sadler asked if the rezoning was going to be for the property owned by SI Ohio Properties, LLC. Mr. Hart said that was correct. He said that property right now is zoned as commercial in the township and the owner will be coming back to the Village once annexed in and ask that it be rezoned as residential. Mr. Shelton made a motion, seconded by Mr. Geiger to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed. Mr. Laxton made a motion, seconded by Mr. Shelton to adopt Ordinance 2015-11 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed.

Resolution 16-2015 A RESOLUTION TO TRANSFER MONIES WITHIN THE GENERAL FUND FROM THE TRANSFERS OUT FUND 1000-910-910 AND TRANSFER SAID MONIES TO THE OTHER CONTRACTUAL SERVICES FUND 1000-110-399. Ms. Hastings said this is to pay for the contract with the Sheriff. Mr. Laxton made a motion, seconded by Mr. Wissinger to adopt Resolution 16-2015. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Geiger – Yes; Mr. Laxton – Yes. The motion passed.

Resolution 17-2015 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND VERIFYING THEM TO THE COUNTY AUDITOR. Ms. Hastings said this is the step that is required from the County Auditor to approve the rates for the 2016 tax levies. Mr. Shelton made a motion, seconded by Mr. Geiger to accept Resolution 17-2015. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Geiger – Yes; Mr. Laxton – Yes. The motion passed.

Resolution 18-2015 A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF ± 51.0 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND DECLARING AN EMERGENCY. Solicitor Hess explained that part of the annexation agreement states that we will provide water, sewer, zoning, police and refuge services to this annexed area. He said they are asking for it to be passed by emergency because of the 20 day timeframe in which this needs to be presented to the County Commissioners. Mr. Geiger made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed. Mr. Shelton made a motion, seconded by Mr. Geiger to adopt Resolution 18-2015 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Laxton – Yes; Mr. Geiger – Yes. The motion passed.

Resolution 19-2015 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR AND/OR MAYOR TO AWARD A BID TO DL SMITH CONCRETE & DESIGN IN THE AMOUNT OF \$ 79,946.00 FOR THE 2015 SIDEWALK PROJECT AND DECLARING AN EMERGENCY. Mayor Hammond said there were several bids and this was the best and lowest bid. He said this is the same contractor that did the other sidewalk project a few years ago. Mr. Sadler asked if this was for all three pieces. Mayor Hammond said no just section #1 & #3. Mr. Sadler and Mr. Geiger said they thought they had asked for an ala carte pricing so Council could decide if they wanted to do all three pieces. Mr. Shelton said there was discussion on if Council was only doing a few sections why would they want engineering on all pieces. Ms. Hastings said the quote was for just sections #1 & #3. She gave the following bid information: DL Smith - \$ 79,946.00; Buds Inc - \$ 91,991.00; Foill Inc - \$ 106,212.00; Decker Construction - \$ 106,484.26; Newcomer Concrete Services - \$ 121,244.55. Mr. Hill asked what sections of sidewalk were going to be done. Mayor Hammond said he would be coming back to Council for resolutions to move money for addition sidewalks that need repairing. Mr. Laxton made a motion, seconded by Mr. Geiger to waive the three readings. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Geiger – Yes; Mr. Laxton – Yes. The motion passed. Mr. Shelton made a motion, seconded by Mr. Geiger to adopt Resolution 19-2015 and declare an emergency. A roll call vote was taken: Mr. Shelton – Yes; Mr. Sadler – Yes; Mr. Wissinger – Yes; Mr. Geiger – Yes; Mr. Laxton – Yes. The motion passed.

Mayor Hammond said there were two items on the table. Solicitor Hess said he would like to action taken on these two items before the end of the year. Mayor Hammond asked Council what they would like to do regarding the tabled items. Mr. Shelton said he would like to see a full Council in attendance before any discussion be held on the tabled items.

Mr. Laxton made a motion, seconded by Mr. Shelton to adjourn the meeting. All members were in favor. The meeting adjourned.

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Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer