

**Village of Commercial Point  
Council Meeting Minutes  
February 6, 2017**

Mayor Joiner called the meeting to order, followed by the Pledge of Allegiance. Fiscal Officer Hastings took roll call with the following members present: Mr. Sadler, Ms. Blevins, Mr. Townsend and Mr. O'Neil. Mr. Laxton and Mr. Geiger were absent. Engineer Grosse and Village Administrator Crego were also in attendance. Solicitor Hess was absent.

Due to lack of available votes, the January 9, 2017 meeting minutes could not be approved.

**Administrative Reports:**

- A. Mayor's Report-Nothing to report.
- B. Village Engineer Report-Engineer Grosse said the bid open was successful. He said Moody's of Dayton was the successful bidder at \$88,000.00. He said we did have two additional bids, one from Wayne Christenson at \$92,000.00 and Boone Water for \$96,750.00. He said he realizes we do not have enough people to waive the readings, but would like to as soon as possible. He said Chestnut Commons is moving extremely fast and would like to start Chestnut Commons phase two. He said they are going to have a pre-construction meeting. He said there will be a developer's agreement that needs to be signed and will probably need to have that ordinance passed at the next meeting. He said the water tower and booster station is part of that project. He said they have a meeting tomorrow. He said hopefully we will have that out to bid in the next couple of weeks. He said they have deposits on half of the lots in phase two. Mr. Sadler asked if we will still have the 250,000 gallon tank. Engineer Grosse said that is what the bid is based on. He said they will bid a leg tank and a golf tee-style tank. He said the golf style tank will probably be more expensive. Mr. Sadler asked what capacity it will give that are beyond Chestnut Commons. Engineer Grosse said we have 250,000 gallons in town to take care of everything, Southern Point has a 200,000 gallon tank. He said 250,000 gallon tank will serve 500-600 homes.
- C. Village Solicitor's Report- Not present
- D. Police Department Report- Chief Jordan covered the January monthly police report. He said as discussed in the administrator's meetings they would like to recommend the zoning committee to look at signage within the right of way. He said possibly permitting a non-mounted sign for businesses. He said also the solicitor mentioned in the COW meeting regarding looking at the Ordinance regarding restricted animals. He said basically we discussed looking at the wording regarding a specific animal breed. He is asking council if they want to look at changing the wording to target specific breed or ungulates. He said he was contacted today by Mrs. Hurley of Scioto Elementary. He said each year they host a 5k fundraiser to support local organizations. He said this year they decided to sponsor the police department for Bicycle Training. He said this should provide enough funds to complete the training, purchase uniforms and equipment needed. He said we already have the bicycles donated by the Grove City Police. Mr. O'Neil asked if he had a chance to think about the signs they discussed today. Chief Jordan said no, the electronic speed sign was not working. He said he was having issues with it linking up to the computer so tomorrow during business hours he is calling the company. Mr. O'Neil asked if that is something we should budget for or do we have additional brackets. Mayor Joiner said when the budget committee meeting that is going to be one of his request. Mr. O'Neil said it is good to add signs but depending on what happens with this sign, if it is dead. Chief Jordan said it is not dead, he is pretty sure it is operator error.
- E. Village Administrator- Village Administrator Crego said they continue to make changes and upgrades with the Water Resource Reclamation Facility. He said this time of the year there are a lot of internal projects. He said almost each week there are calls coming in asking about annexation or developments in the village. He said he and John are going to review the street

**Village of Commercial Point  
Council Meeting Minutes  
February 6, 2017**

projects for 2017. He said they will have suggestions for the council at the COW meeting. He said in regards to the budget and expenses they are going to look at getting the well field started. He said once it is in they will have to run lines a couple hundred yards to get it over to the treatment facility. He said he has signed up for a couple training sessions with ODOT. He said the state has a 3 hour program they are giving regarding the GIS program. Mr. O'Neil asked about the pothole by the Hawk on the North side of Scioto street. He asked if that is on the list. Village Administrator Crego said that is on their side. He said they took care of the one by the crosswalk. He said they will need to correct it and he will discuss that with them.

- F. Fiscal Officers Report- Fiscal Officer Hastings covered the Fund Status report as of 1/31/2017: General Fund - \$1,535,234.17, Street Construction Maint & Repair - \$229,598.33, State Highway - \$27,726.13, Parks & Recreation - \$3,033.57, Permissive Motor Vehicle License Tax - \$7,543.82, Enforcement & Education - \$1,523.00, Housing Developments - \$77,606.83, Water Operating - \$2,799,674.91, Sewer Operating - \$2,582,115.44, and Garbage Operating - \$29,139.49. Fiscal Officer Hasting asked that the Budget Meeting starts asap because it has to be passed by April 1, 2017. She said one of the resolutions tonight is to set up a brand new fund for money that has come in the past for CPT training, which is a police organization. She said these have to go into a separate fund. She said over the past few years it has gone into the general fund because she was not aware.

**Legislative Reports:**

1. Mark Geiger-Absent
2. Brad Laxton- Absent
3. David Sadler- Mr. Sadler said he met with Village Administrator Crego and the meeting was very informative and was able to get his perspective on issues.
4. Ben Townsend- Nothing to report
5. Scott O'Neil- Mr. O'Neil asked once the internet is in, he would like to look into something newer to support it. Mayor Joiner asked if he is referring to data servicer. Mr. O'Neil said routers and access points.
6. Becky Blevins-Nothing to report

**Citizen Comments:**

Mr. Nathaniel Bush, 20 West Street addressed council. He said he has been working with Chief Jordan and Mayor Joiner regarding the rewording of Ordinance 6. He said this is the ordinance that involves prohibiting animals. He said the Ohio Revised Code has had this resolved since 2012. He said they removed any breed specific legislation from the code. He said the Ohio Revised Code does allow any municipality to impose a ban if they see fit. He said statistics will show that we are moving away from issues with animals to the owners being held responsible if there is an issue. He said the Pitt Bull is not a breed specific. He said he feels with the growth in the village this is something we should look into. He said there are several opportunities other municipalities have done to find middle ground. He said there are things that can be done such as registering the animals with the village, fence requirements, etc. He said he has found out he is going to rehome his animals until this is changed. He said he would meet with anyone that has any questions. He said there are ways they can look at legislation for rewording, and ways to give the people in the community can have their sense of safety. He said he knows he has had an issue with one of his animals twice. He apologized to the village and council and is working on the resolution. He said he has obtained insurance on his animals and obtained a fence permit from zoning. Mayor Joiner asked what he has done in regards to preventative. Mr. Bush said he found they have an option to put a 6-foot fence

**Village of Commercial Point  
Council Meeting Minutes  
February 6, 2017**

on the back half of their property. He said they have looked into different restraining devices. He said he has reached out to some of his neighbors and apologized. He understands this cannot be taken lightly. Mayor Joiner asked if the dogs have ever known to be violent. Mr. Bush said no. He said he has friends and family over with babies. Registrations and vaccinations are current. He said during the go kart races they took the puppy down to watch the races and everyone wished to play with it.

**Business Items:**

- A. Employee Pay Schedule-Mayor Joiner said this was discussed at the COW meeting in regards to place a ceiling or expand it. He said Village Administrator Crego brought up one of our employees is at the top of his ceiling. He said he sent a note to council, he would like to see something similar to his job which is a standard starting and ending for the salaried administrative positions. He would like to make this across the board and according to performance and duties then they can make the pay increases as necessary. Mr. Sadler said he thinks last time the guide was updated they decided on a 20% range. He feels the range suggested is a variable wide spread. Mayor Joiner said 20% sounds like a large number but it isn't. Mr. O'Neil asked what % is \$42,000 to 72,000. Mr. Sadler said 60% spread. Mr. Sadler feels the mid-range should be the target for that position and we should build to it. Mr. Sadler is ok with the range but he thinks it should be a 20% spread. Mr. O'Neil is not against a wide spread in the range he just doesn't understand the middle. He said you can have the bottom and the top but as an example if Chief Jordan leaves, you bring in someone that has been an officer for 2 years at Chief he can be at \$42,000. However, someone coming in with more years of experience they can come in at \$70,000. He said he does not think the range is that big of the difference because council controls the money. Mayor Joiner does not want us to have to slide the scale every year. Village Administrator Crego said he hopes to go to a similar setup that Ashville has, which is an automatic 2-3% increase every year, not that you have to go there. Mayor Joiner said in his opinion a couple of our positions are on the low end. Mr. Sadler said in that case slide the whole scale up. Mayor Joiner said all the administrative positions should be in the same pay band. He said they will not all make the same pay, it depends on performance, years in service, etc. He said there is a value on the positions. Mr. O'Neil asked for Mr. Sadler's suggested number. Mr. Sadler said his suggestion is for Mayor Joiner to come back with the MRB for that position. Mr. O'Neil asked if we will let this go another month. Mr. Sadler said understood, but they can update the manual anytime. Mayor Joiner said with Fiscal Officer Hastings and Chief Jordan, they are still allowed raises. He is shooting to vote on the 1<sup>st</sup> meeting in March. Fiscal Officer asked if Mayor Joiner is holding off on what Village Administrator Crego recommended. Mayor Joiner said no. Mr. Townsend made the motion, seconded by Mr. Sadler to approve the recommendation of Village Administrator Crego. Roll call: Mr. O'Neil-No, Mr. Townsend-Yes, Mr. Sadler-Yes, Ms. Blevins-Yes. Motion does not pass.
- B. Committees-Fiscal Officer said we normally have Zoning Committee and Street Committee. She said as of now we only have the Budget Committee. She said we have to recreate them each year. She said we can wait until next month when all council is present. Mr. Townsend asked if that is something that can be done at a COW meeting. Fiscal Officer Hastings said they can come up with them at the COW but since we need a motion and a vote, it will need to be presented at the Council Meeting.
- C. Communication/Cell Towers in the Village-Mayor Joiner said there has been talk of cell carriers wanting to put a tower up in our residential area. Engineer Grosse said we have received information within the past 30 days. He said the contractor said they are interested and will put together information for the village. He said the location they are interested in is on Carmel

**Village of Commercial Point  
Council Meeting Minutes  
February 6, 2017**

Court. Village Administrator Crego said the location they proposed tentatively is at the water towers where there are already structures. He said their representative said that would work for them but he has not heard anything since that conversation. Mayor Joiner said initially they wanted to place hardware on one of the wooden poles in the middle of town. Mr. O'Neil said they passed a law that regardless of zoning restriction cell phone carriers can place the small cell on telephone poles anywhere in the village without permission. Village Administrator Crego said he has read that law. He said it stops villages from making demands such as large payments for the service. He said the law eliminates the necessity of negotiations. Mr. O'Neil asked if they want to put up a full-scale tower. Village Administrator Crego said 125 feet. Mr. O'Neil asked how tall our water towers are now. Engineer Grosse said about 140+ feet. Mr. O'Neil said his question is if they put the antenna by the water tower one side will hit the structure. Engineer Grosse said they have done the engineering studies and are comfortable with it. He said originally the main tower was going on Main Street and we advised we didn't want it there. He said they have done their research and are satisfied with the location suggested. Mr. O'Neil asked if they have offered or considered using our water towers. Engineer Grosse said Sprint did not want that. He said they want their own. Mr. O'Neil asked if it will be on our actual property. Engineer Grosse said yes. Mr. Sadler asked if they are leasing or purchasing the land. Village Administrator Crego said right now we see it as a benefit to the community so it has not been discussed. Mr. O'Neil said when they spoke to the Commercial Point Men's Club, they were going to pay \$850 a month and it was a 50-year lease. Village Administrator Crego confirmed that it did not happen. Mr. O'Neil said there was a huge backstory to it with lots of fingers in the contract that should not have been. Engineer Grosse said they will put together an agreement and send it, but that has been approx. 30 days ago. Mr. Sadler asked if they are claiming eminent domain. Village Administrator Crego said no, they are permitted by law to install this tower anywhere in the right of way. He said our bargaining chip is we do not want it on Main Street, we would rather have it in a location that is less intrusive. Mr. O'Neil said he did not think the new law was pertaining to full scale towers. Mr. O'Neil said he cannot see them being allowed to put a 125-foot tower in a right of way. Village Administrator Crego said their proposal was for a 70-foot wooden pole in the right of way. Mr. Townsend confirmed this is why they offered to have it in Carmel Court and not on Main Street. Mayor Joiner said the law is 4939.03c4 and it defines the micro wireless facilities. He said going back to the tower issue we can defend it under legislation. He said we have nothing on the books now that states we can't have 120-foot tower in a municipal corporation. Mr. O'Neil agrees that we should not. Fiscal Officer Hastings said we should be able to tell them where we would like for them to place it and not allow them to just place it in anyone's backyard. Mr. O'Neil said yes and no. He said then we go into if you want to have it in your backyard to make the money then the village is telling you what you can and can't do with your land. Village Administrator Crego said but with zoning they cannot do that. Mayor Joiner said we need to protect the whole of the community and not one person's thought process. Mayor Joiner will send the power point he has received from Frost, Brown and Todd to all of council. Mr. O'Neil said the fact remains they are wanting to put a tower where we already have two towers, on our land. He said we will need to have some sort of lease whether we charge them or not. He asked if this is something we should reach out to them to check status. Engineer Grosse said he will reach out to them and try and have information for the next COW Meeting.

**Village of Commercial Point  
Council Meeting Minutes  
February 6, 2017**

Legislation:

A. For third reading:

**Resolution 48-2016** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND/OR VILLAGE ADMINISTRATOR OF THE VILLAGE OF COMMERCIAL POINT TO EXECUTE THE NECESSARY CONTRACTS AND DOCUMENTS TO PURCHASE LAND ALONG STATE ROUTE 762 FROM THE TEAYS VALLEY BOARD OF EDUCATION FOR THE CONSTRUCTION OF A WATER BOOSTER STATION AND DECLARING AN EMERGENCY. Fiscal Officer Hastings said this is on hold, we have not received a response back.

B. For second reading:

**Ordinance 2017-01** AN ORDINANCE APPROVING THE ANNEXATION OF ±2.500 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP

C. For first reading:

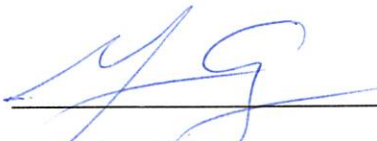
**Resolution 06-2017** A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT FOR THE SERVICE AND MAINTENANCE OF THE HVAC SYSTEM AT THE MUNICIPAL BUILDING

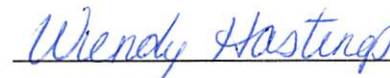
**Resolution 07-2017** A RESOLUTION TO MAKE PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF COMMERCIAL POINT, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017.

**Resolution 08-2017** A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR AND/OR MAYOR TO AWARD A BID TO MOODY'S OF DAYTON IN THE AMOUNT OF \$ 88,000.00 FOR THE 2017 PRODUCTION WELL #8 PROJECT AND DECLARING AN EMERGENCY

**Resolution 09-2017** A RESOLUTION TO CREATE A CONTINUING PROFESSIONAL TRAINING FUND WITHIN THE 2017 PERMANENT APPROPRIATIONS BUDGET FOR THE VILLAGE OF COMMERCIAL POINT AND DECLARE IT AN EMERGENCY

Ms. Blevins motioned, seconded by Mr. Sadler to adjourn. All in favor. Meeting adjourned.

  
\_\_\_\_\_  
Gary Joiner, Mayor

  
\_\_\_\_\_  
Wendy Hastings, Fiscal Officer

\*Minutes provided by Paula Baldwin, Administrative Assistant