

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING AGENDA
June 3, 2013**

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 and for the victims of the Oklahoma storms. Fiscal Officer Hastings took roll call with the following members present: Mr. Thompson, Mr. Shelton, Mr. Cruz, Ms. Gooden-Kinney and Mr. Wissinger. Chief Jordan and Solicitor Hess were also in attendance. Ms. Evans and Engineer Grosse were absent.

Mr. Cruz made a motion, seconded by Mr. Thompson to approve the May 6, 2013 Regular Council Meeting Minutes. All members were in favor with the exception of Mr. Wissinger who abstained. The motion passed.

Administrative Reports:

- A. Mayor's Report – Attached to hard copy of minutes
- B. Village Engineer's Report – No report
- C. Village Solicitor's Report – Solicitor Hess reported there were four resolutions for 1st read tonight. Solicitor Hess said he would be setting up a meeting with Mr. Gray, Chief Counsel for DRC, to discuss some legal issues with the JEDD contract that were presented at the public hearing.
- D. Police Department Report – Chief Jordan read the Police Report. Hard copy in the file at the Office. Mr. Shelton said at the last meeting, residents from Chestnut Estates were asking for more visible presence from the police department due to speeding on the main street thru the subdivision. He asked Chief Jordan if we have increased the amount of police presence in Chestnut Estates. Chief Jordan said the police officers have been patrolling State Route 762 coming into town and Chestnut Estates Subdivision more due to the complaints. Chief Jordan wanted to note that radar had been ran at these locations and the most people are doing is 37-38 mph in a 35 mph zone. He also said an increase of citations had been issued at the intersection of Brown Street and St. Rt. 762 where the drivers were going 15+ mph over the speed limit. Mr. Shelton confirmed that the school children were out for the summer. He said that the crosswalk on St. Rt. 762 would be a good area to watch when school resumes.
- E. Village Administrator's Report – Nothing to report, however wanted to share that Utility Superintendent, John Thompson and his wife had a baby boy today. He weighed 8lbs 7 oz and was 20" long. Congratulations to all.
- F. Fiscal Officer's Report – Bank statement was not received by today's meeting. No financial report at this time.

Legislative Reports

- A. Legislative Authority Reports
 - 1. Vidal Cruz – Nothing to report
 - 2. Nicole Evans - Absent
 - 3. Kimberly Gooden-Kinney – Nothing to report
 - 4. Jason Thompson – Mr. Thompson said the parking lot in the center of town looks great. He had a question regarding the area in front of Station House 81 and Doughboyz Pizza where there was enough room for approximately 3 cars to park. When the new paving was completed, this area was cut at an angle and Mr. Thompson was asking what was going to be done to this. Was parking still going to be allowed at this spot or was it going to be seeded and become green space. Mayor Hammond said technically it would not be part of the parking lot, but doesn't want the businesses to feel that we have taken away parking from their patrons, unless it impedes safety. Sergeant Murphy said the Village has a specific ordinance that prohibits anyone from parking that close to an entrance. Ms. Gooden-Kinney feels we need to mark it if no parking is to be allowed. Mayor Hammond said as the improvements to that area occur, we could follow up with marking that area as a no parking spot. He also noted there is now plenty of parking along the new curb in front of Doughboyz Pizza. He said we are going to leave it as is now, however if it becomes a safety issue, the officers have been notified to contact the owner and have them move the vehicle. Mr. Thompson continued and noted the paving in front of the Fire Station looks good, however he feels the striping is crooked. He also noted the crosswalk striping does not go completely to the cage of the crosswalk. Mayor Hammond said Engineer Grosse will be looking at all striping projects throughout the Village. He will get a price quote and recommendations back to Council for their approval. Mr. Thompson said he would like for Engineer Grosse to take a look at this

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING AGENDA
June 3, 2013**

area to see what could be done. Finally, Mr. Thompson feels Mr. John Parmenter was a very important part of our community and an instrumental part in getting the walk path put in place to the point of possibly giving up a piece of his land to get it in place. Since Mr. Parmenter has passed, Mr. Thompson would like to dedicate the Walker Point walk path in his honor. Mayor Hammond said Scioto Township had not been properly acknowledged for their part in the walk path either and was glad Mr. Thompson brought it up. Mayor Hammond said maybe there can be a combination or something which will be discussed at a later date.

5. Randy Shelton – Mr. Shelton said the parking lot looks great. He feels the parking has tripled. Now the residents know where to park. He is excited to hear more striping and signs are forthcoming.

6. Clarence Wissinger – Nothing to report

At this time, Mr. Scott O'Neil of 121 Yukon Dr. said he noticed the handicap marking was painted in a parking spot in the center of town. He feels we need to get that space properly marked with the sign stating the fine that would be imposed for parking there illegally. He said he heard the street signs were on order. He said he was under the understanding there were a bunch of signs in the police garage and was wondering if they had been inventoried and installed yet. Mayor Hammond said no signs have been installed yet. Village Administrator Shelton said the signs had been inventoried by Chief Jordan and there are 3 "Stop" signs and a number of "Children at Play" signs. The order was reduced once we found out what we had. Chief Jordan said he made a list of recommended locations of where the signs should be placed as well as the state mandated rules on height and size of the signs. The next point Mr. O'Neil address was the school signage. He said the ORC states the school signs are to be placed at the edge of the school property. He feels neither one of our signs are at the edge of the schools property. He also feels we need striping on the streets and signage stating you are in a school zone. Finally he inquired about a public records request he submitted on March 22, 2013. Solicitor Hess said that he had received the request and was reviewing it. Mr. Cruz said that he believed there were fines associated with failure to respond in a timely manner on public record requests. Solicitor Hess said he was correct. Mr. Cruz said he knows everyone is busy however 3 months to respond to a request is a bit much. He feels there could be fines levied against the Village. Solicitor Hess noted the concern. Mr. Shelton said it was "coming up" on three months and the three month point had not passed yet.

Mr. Marty Ditello of 300 Adrien Court asked Council if they had received any quotes for the fence he is requesting along the Walker Point walk path. Mayor Hammond said the last quote he had heard was \$ 25.00 a foot. He is not sure what else has been done with that since Engineer Grosse was not here to respond. Mayor Hammond continued to say there was discussion regarding the HOA and their restrictions on fencing as well as would the Village be setting a precedence. Mr. Ditello asked Mayor Hammond to clarify if it was the HOA that didn't want to set precedence. Mayor Hammond said the HOA has restrictions on where and how high you can build a fence. Village Administrator said in Walker Point, the fence has to start at the back of the house, cannot be more than 4 feet high and has to be made of wood or vinyl. Mr. Ditello offered to meet anyone at his property to show them what he is wanting done to keep people from walking on and damaging his property. Village Administrator Shelton said the Village owns an easement where this walk path was placed. Mr. Ditello said according to the HOA, they were unaware of the walk path even being place in this area until he called them asking them to cut the grass. He agrees we do have an easement, and can therefore put up a fence if Council so chooses. Mr. Cruz asked Mayor Hammond if Solicitor Hess could look into the deed restrictions to confirm whether or not this piece of property in question does have to follow the restrictions. Mr. Thompson said there was no discussion with the HOA at the time the walk path was done since the Village did own the easement through that piece of property. He doesn't feel a fence is out of line for that property. Mr. Ditello continued with a question on the grass, that is now chest high, being mowed along the walk path. He said he contacted the HOA and they informed him since the Village put in the walk path, it was now the Village's responsibility to keep the grass mowed. He asked Council to please mow the grass. Ms. Gooden-Kinney said the HOA is responsible for mowing the grass. Mr. Cruz said just because the Village has easements and we build on our easements, doesn't mean negate the responsibility of the HOA. Mr. Cruz asked Solicitor Hess to take a look at this as well. Mr. Thompson said he remembers a discussion with Engineer Grosse concerning this same issue. He thought that the Village was going to be responsible. Mayor Hammond said he and Engineer Grosse had a conversation about the grass being mowed and they agreed it was the HOA's responsibility. Mr. Shelton feels the snow and ice removal on the path itself is the Village's responsibility but not the mowing of grass around the walk path. Council will be checking with Engineer Grosse at the next meeting. Mr. Ditello said for the record, the snow and ice was not removed from the walk path this past winter. Finally, Mr. Ditello asked the police department about the residents parking at the end of the driveway at 201 Walker Road. Chief Jordan said he talked with the residents already about the parking issues. As far as when the vehicles are parked in the driveway and also when they are off the roadway, Chief Jordan cannot find any Village ordinance that does not allow for someone to park on their own private property. He said there

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING AGENDA
June 3, 2013**

is not a whole lot the department can do. He said if they are parking in the street, blocking signage or are parked to close to the intersection, he then could enforce the written law. Mr. Ditello said he understands parking on their driveway. He was more concerned when they park in the grass area along the roadway. Mr. Cruz asked Chief Jordan if the Village had an ordinance not allowing parking in the front yard. He said he has seen them park in the grass and not on the driveway. Chief Jordan said there were several people that lived at this home. Mr. Cruz said that was his next question. How is this property zoned, multi-family? There have been signs in the yard that advertise, "Room for Rent". Solicitor Hess, Chief Jordan and Zoning Inspector Griesenbrock will be looking into this issue. Chief Jordan said he would do some checking in answer to Mr. Cruz's question about the ordinance not allowing parking in the front yard. Mr. O'Neil suggested putting in "No parking" signs in the right of way off of the street. He asked Mr. Struckman if he knew what the right of way distance was on the Village's side of Walker Road was. He wasn't sure. Mayor Hammond said he had observed over the last 16 – 17 years, several for sale vehicles parked in front yards. Mr. Cruz said the Council passed an ordinance 2 years ago addressing items for sale in the front yards and this doesn't have anything to do with a vehicle for sale. He feels this parking is a safety hazard and secondly there is possible zoning violation. Solicitor Hess and our Zoning Inspector will look into these issues.

At this time, Mr. Brian Liff formally requested copies of the COW meeting minutes from May as well as tonight's regular Council meeting minutes. He asked when these minutes would be available. Fiscal Officer Hastings said the COW minutes would be approved and available after the COW meeting in June and the minutes from tonight's meeting will be approved and available after the next Regular Council Meeting in July. Mr. Thompson asked for clarification that Mr. Liff would want the minutes from the Public Hearing meeting that was held early this evening. Yes, that was correct. Fiscal Officer Hastings said they would be available after the July 1, 2013 meeting.

Mayor Hammond gave a brief discussion on the subpoena program offered by RITA. They charge the Village \$ 8 per subpoena they send out to all residents who have not filed their Commercial Point taxes. This is something Council has chosen to do for the last few years. Mr. Cruz made a motion, seconded by Mr. Wissinger to allow RITA to charge the Village \$ 8 per subpoena that they send out on our behalf. Mr. Cruz asked Fiscal Officer Hastings for clarification on the passage of this motion. If Council chooses to not pass this motion, then the Village would not collect on the delinquent monies that are due. Fiscal Officer Hastings confirmed that to be true. Fiscal Officer Hastings noted the new requirement of needing to supply an armed guard this year. A roll call vote was taken: Mr. Thompson – Yes, Mr. Cruz – Yes, Ms. Gooden-Kinney – Yes, Mr. Wissinger – Yes, Mr. Shelton – Yes. The motion passed.

Legislation for First Reading:

Resolution 07-2013 – A RESOLUTION APPROVING THE FINAL PLAT AND AUTHORIZING AND DIRECTING THE MAYOR OR VILLAGE ADMINISTRATOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SADDLEBROOK DEVELOPMENT, LLC FOR SECTION 4, PHASE 1 OF THE CHESTNUT ESTATES SUBDIVISION. Mayor Hammond did a first read. Title only.

Resolution 08-2013 – A RESOLUTION TO REALIGN MONIES WITHIN THE GENERAL FUND FROM THE OP & F FUND 1000-110-215 AND TRANSFER IT TO THE POLICE OFFICER PART TIME FUND 1000-110-190-1005. Ms. Gooden-Kinney made a motion, seconded by Mr. Thompson to suspend the three readings. Mr. Shelton asked if this was to pay a new officer. Fiscal Officer Hastings confirmed it was for the newly created 30 hour a week position. Mr. Shelton asked if there was a person waiting to be hired for this position. Mayor Hammond said that it was being discussed with Chief Jordan and Village Administrator Shelton at this time. Mr. Shelton feels if we have someone we are wanting to hire now, then yes we will need to waive the three readings, otherwise he feels no need to waive the readings. Fiscal Officer Hastings explained that the passing of the resolution was just a step that had to be completed before someone could be hired. As it stands now in the budget, the person who would take this new position would not be able to be paid. She said she had no problem waiting, but wanted Council to understand no one could be hired until this step was completed. A roll call vote was taken: Mr. Shelton – Yes, Mr. Wissinger – Yes, Mr. Cruz – Yes, Ms. Gooden-Kinney – Yes, Mr. Thompson – Yes. The motion passed. Mr. Cruz made a motion, seconded by Mr. Thompson to adopt Resolution 08-2013. A roll call vote was taken: Mr. Shelton – Yes, Mr. Wissinger – Yes, Mr. Cruz – Yes, Ms. Gooden-Kinney – Yes, Mr. Thompson – Yes. The motion passed.

Resolution 09-2013 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT BY AND BETWEEN THE TOWNSHIP OF SCIOTO, THE CITY OF GROVE CITY AND THE VILLAGE OF COMMERCIAL POINT. Mayor Hammond did a first read. Title only.

Resolution 10-2013 – A RESOLUTION CONSENTING TO THE INCLUSION OF PROPERTY WITHIN THE SCIOTO TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT AND AUTHORIZING THE MAYOR TO

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING AGENDA
June 3, 2013**

SIGN A PETITION FOR THE APPROVAL AND CREATION OF SAID DISTRICT. Mayor Hammond did a first read. Title only.

At this time, Ms. Gooden-Kinney made a motion to enter into Executive Session due to the possibility of eminent litigation. Mayor Hammond asked Solicitor Hess if this was allowed. Solicitor Hess confirmed it was however, he continued to say that he or Mayor Hammond were unaware of any pending litigation. With that being said, he understands that a member or members of Council have been contacted about possible litigation. He informed Council they have to make a decision based on these facts as to whether to go into Executive Session or not. Mr. Cruz asked Ms. Gooden-Kinney what the eminent litigation was. Ms. Gooden-Kinney said it had to do with the JEDD. Mr. Cruz said in his opinion, he wasn't sure how it could be classified as eminent litigation when no action has been taken on the Village's part concerning the JEDD. He feels not eminent litigation is possible at this time. Solicitor Hess said it was his understanding that the eminent litigation would come forth after the passing of the JEDD contract. At this time, Solicitor Hess said there was a motion on the floor that needed a second before a vote could be taken. Mr. Cruz seconded the motion. A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – No, Mr. Wissinger – Yes, Mr. Cruz – Yes, Ms. Gooden-Kinney – Yes. The motion carried and Executive Session started at 8:49 p.m. At 9:11 p.m. Council returned to the table. Ms. Gooden-Kinney made a motion, seconded by Mr. Cruz to return to Regular Session. A roll call vote was taken: Mr. Thompson – Yes, Mr. Shelton – No, Mr. Wissinger – Yes, Mr. Cruz – Yes, Ms. Gooden-Kinney – Yes. The motion carried.

At this time, Mr. Cruz asked Solicitor Hess for an update on the compliance with the FFDMS mandate. Solicitor Hess said he was still reviewing.

Ms. Gooden-Kinney made a motion, seconded by Mr. Thompson to adjourn the meeting. All members were in favor. The meeting adjourned.

Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer