

**VILLAGE OF COMMERCIAL POINT
COUNCIL MEETING MINUTES
June 1, 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. Mr. Sadler took roll call with the following members present: Mr. Sadler, Mr. Geiger, Mr. Wissinger, Mr. Laxton, and Ms. Evans. Solicitor Hess, Engineer Grosse and Chief Jordan were also in attendance. Fiscal Officer Hastings and Mr. Shelton were absent.

Mr. Geiger made a motion, seconded by Mr. Laxton to approve the May 4, 2015 Regular Council Meeting Minutes. All members were in favor. The motion passed.

Administrative Reports:

A. Mayor's Report – Mayor Hammond informed Council that the streets had been swept and are ready for the Homecoming.

B. Village Engineer's Report – Engineer Grosse said he wanted to bring Council up to date on a few items. He said Council approved moving ahead with Walker Road at the last Council meeting. He is anticipating bids going out in July with hopes of coming to the August meeting with a recommendation on a contractor and awarding the project with Council's approval. Engineer Grosse said the sidewalk project will probably follow the same time schedule as the street project and provide a recommendation for a contractor on this project at the August meeting as well. Engineer Grosse said Walker Point Section 3 is moving forward. He is expecting the streets to be paved in this section within the next few weeks. He said the curbs are all in and the sanitary and water have all been tested and should be finishing up in the next few days. Engineer Grosse said there were some issues at Chestnut Estates. He said some of the homeowners were having large piles of mulch delivered and instead of having them delivered into their driveways, they were delivered into the roadways. He said several complaints from other residents had come in regarding the mulch in the roadways. Engineer Grosse said he was able to get a hold of Ron Frost from Ohio Mulch and told him this was unacceptable and any material that was left on the streets would become property of the Village. Mr. Frost had the piles of mulch removed from the roadways that very same day. Engineer Grosse said preliminary work has been started on the digester project. He said the design team had made a trip to the plant and will now move forward with getting preliminary plans put together for the Utility Committee and Superintendent Thompson to review. At this time, Mr. Sadler asked what jurisdiction the Village has over internet services. Engineer Grosse said the Village doesn't have jurisdiction over any internet services in the Village. He said ATT is in the Chestnut area and another provider is in the Walker Point area. Engineer Grosse said we have received a request from Frontier who would like to put their equipment in the area of our abandoned wastewater treatment plant on Walker Road. Engineer Grosse said this would enhance the services for the Walker Point area as well as the Foxfire area. He said roughly 450 users could be affected by this location. He said Frontier is looking for an easement on our property to be able to put their equipment on. He said this will be a decision that Council will have to make. He said this land is a vacant piece of property that the Village owns. Engineer Grosse said since Village residents are going to be benefiting from this service, it seems like a good location for the equipment. He said there is some financial benefits that the Village will receive however they are not the same as putting in a cell tower. Engineer Grosse said this equipment which will consist of 4 large boxes that are roughly 4'x6' will not impact our Walker Road lift station or the fenced in training facility for the fire department. Engineer Grosse said it is a good idea to partner with Frontier and get better internet service for our residents. Mr. Sadler clarified that this would be for Walker Road and Foxfire residents but nothing west of this area. Engineer Grosse said that was correct. Mr. Geiger said he has had Frontier before and they are an affiliate with ATT and won't have both services in the same area. Engineer Grosse said a lot of calls have come in regarding internet services in the Walker Point area and feels this will be a great option for them. Ms. Evans asked what kind of services Frontier provides. Mr. Geiger said high speed internet. Solicitor Hess said the information he received lead him to believe that if this was approved, October would be when this would be available. Mr. Sadler said ATT is no longer offering DSL service in Chestnut Estates and was wondering if when they came into the Village was there a clause in their contract that said they had to provide a certain level of service for a certain amount of time. Solicitor Hess said they are a private company and come where they feel they can maximize their profit. He said in this case, we had property that was attractive to Frontier so we have made it available to them. Engineer Grosse said we have no provisions of permitting these services. Mr. Wissinger asked who was responsible for

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maintaining the area where this easement is granted. Solicitor Hess said Frontier would be responsible for the maintenance of this property. Engineer Grosse asked Solicitor Hess if there was anything new from ATT on the cell tower. Solicitor Hess said the last conversation he had with ATT was that they were going to be making some revisions to the contract regarding subleasing and those types of things. He said he hasn't heard from them or seen a revised contract at this point. He said he will add it to his list of to-do's.

C. Village Solicitor's Report – Solicitor Hess reviewed what Council has in front of them tonight. He explained there was going to be a meeting on June 9, 2015 with regards to the Pickaway County Health Department that Mr. Struckman had spoken about. He said the health department is funded by all of the local entities. He said the City of Circleville provides 50% of the funding and the other 50% is divided amongst the other villages and townships in the County. He said this has been in place for a number of years. He said the Circleville Administration is wanting to change the formula and asking that their portion they fund be reduced. He said Circleville's argument is the size of their city compared to the rest of the County. He said the argument from the villages and townships is who uses the health department more and the results show that it is the City of Circleville. Solicitor Hess said he was looking for a motion tonight to guide the administration on how they want to vote on this issue. Solicitor Hess said we have a second reading on Ordinance 2015-04. He said there are three pieces of legislation up for first reading tonight. 1) Granting an easement to Frontier which is what Engineer Grosse just spoke about. Solicitor Hess showed a map of the proposed area. He said in exchange for this easement, Frontier has offered a sum of \$ 8,000 to the Village. Solicitor Hess ask Council to consider waiving the three readings so that if this does get passed the process can start immediately. 2) Solicitor Hess said this is an additional contract with the Sheriff for 30 hours a week for the next 90 days. He said this does include emergency language to get us to the 90 hours of coverage immediately as Council has requested. 3) Solicitor Hess said this is a transfer of funds resolution that Wendy prepared to be able to support the second contract with the Sheriff. Solicitor Hess said we still have the two tabled items on the agenda. Ms. Evans asked Solicitor Hess if there was an update on the Hilljack Trucking issue. Solicitor Hess said Ms. Reynolds is here tonight and would like to address her concerns regarding the trucking company. He said we have had our meeting to decide whether it was a conforming use or not. Council decided it was not a conforming use however had some interest in looking at an application to rezone the property. He said the application has been received. Solicitor Hess said he had some questions with regards to ODOT approval however Engineer Grosse has cleared this up for him. He said it is his intent to have Wendy post another Zoning meeting so that this application can be heard. He said notices have to go out to all of the neighbors so they can come to the hearing and express their approval or disapproval in regards to the request to be rezoned. Mr. Laxton said there is a Zoning meeting scheduled for June 27, 2015 at 9:00 a.m. Ms. Evans asked if this was a committee meeting. Mr. Laxton said yes it was.

D. Police Department Report – Chief Jordan said he will have the monthly report for May available at the COW meeting. He said the two new reserve officer, Officer Waas and Officer Owen, have already started working. He said they will be at the COW meeting for everyone to meet. He said they have been out working the streets with him and will also be working the Homecoming Festival. Chief Jordan said during the Safety Committee meeting discussion was had regarding the increased amount of accidents at the intersection of Welch Road and St. Rt. 762. He said Mr. Geiger is working with ODOT to come up with a solution to make this a safer intersection. Chief Jordan said luckily the accidents haven't been fatal and no injuries reported. Chief Jordan said he has been in contact with Sheriff Ratcliff regarding scheduling of deputies and working together to make sure 90 hours of coverage are provided for the Village. He said the Festival will be covered with at least two officers on at all times. Ms. Evans asked how long these contracts are for. Mr. Geiger said they run through August 27, 2015. He said with the contract that started today, the deputy will actually start working for us on June 3, 2015 to make sure the festival is covered. Ms. Evans asked if the races were going to be covered as well. Mr. Geiger said yes.

E. Village Administrator – No report

F. Fiscal Officer Report – No report

Legislative Reports:

1. Randy Shelton – Nothing to report
2. Nicole Evans – Nothing to report
3. Clarence Wissinger – Nothing to report

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4. David Sadler – Promoted the Homecoming Festival. He invited everyone to come out and see the spectacular fireworks show. He said the Homecoming and Go Kart Races are the pride of the Village and anything we can do to come out and support them is great.
5. Mark Geiger – Said he applauded the Men's Club for always putting on a good festival and fireworks. He said the second contract with the Sheriff is something that we need right now since all we have is Chief Jordan now. He said in order to get to the 90 hours of coverage that Council has promised, we need to approve the additional contract. Mr. Sadler said during these contracts with the Sheriff, the new reserve officers will also be riding along with the deputies to get a feel for the Village. Mr. Geiger said Officer Kelly will also be helping with the training.
6. Brad Laxton – Nothing to report.

At this time, Mayor Hammond introduced Ms. Ann Reynolds. He said that Ms. Reynolds had contacted him with some questions and concerns and he had informed her that Council is the Zoning Committee and that he as Mayor has no authority. He said Ms. Reynolds had asked to be placed on the agenda.

Ms. Reynolds spoke to Council and I quote: "My name is Ann Reynolds. My husband and I live at 113 Main Street, Commercial Point, next to Hilljack Trucking Company at 111 Main Street. Thank you members of Council and Mayor Hammond for the opportunity to share with you some of my thoughts regarding the possible rezoning of the property at 111 Main Street, Commercial Point. An email was sent to you several weeks ago, but I wanted to bring you up to date on a few things. As some of you may or may not know, my husband and I have lived at 113 Main Street for almost 6 years. When we bought the land, which was Residential R-1 and built our home, we had to abide by R1 rules and regulations. Our neighbors who built their homes 6-8 months ago had to follow the same rules. Mr. Clemons' property at 111 Main Street, Commercial Point was also zoned Residential R-1. What has happened to the R-1 zoning under which Mr. Clemons bought his property? What is the benefit to Commercial Point to have Hilljack Trucking at the entrance to the Village? Why don't Mr. and Mrs. Clemons park their trucks where they live? If rezoned to Commercial/Business 1, Mr. and Mrs. Clemons will be the ones to benefit. The property will sit as is with trucks, dirt, weeds, shed with a toilet at the back of the shed that will smell so badly that we and others will have to close our doors and windows and not consider having cookouts. As I stated in my email, I had a cookout on May 11, Monday evening, with 15 friends and family to celebrate my grandson's graduation from the Ohio State University and to enjoy dinner with my son and daughter-in-law as they were moving to South Carolina on May 21st. The odor from the toilet was disgusting to say the least. Maybe Mr. and Mrs. Clemons have in their plans to build a pole barn to work on trucks on the inside of a building instead of outside, build a mini mart with gas station, etc. Are there restrictions on Commercial/Business 1 zoning or can the owners do whatever they want? It is my thought that whatever they do will certainly benefit them, not the Village of Commercial Point nor the neighbors who have worked very hard to have nice homes and beautifully landscaped lawns. We have had, over the years, many compliments on our home and landscaping. In the past year or so, we have heard negative comments from residents of the village regarding the trucks next to our property. There is nothing beautiful about the trucks, dirt, weeds, shed and very disgusting toilet. It is an unsightly landscape for the village and neighbors. Neighbors who have done things right to make their property appealing and landscaped nicely for not only themselves, but also for the Village of Commercial Point. Mrs. Clemons mentioned at the April meeting they were planning to landscape the property. No landscaping will hide trucks, a shed, nor take away the odor of the toilet. Whether you live next to this business or not, as a resident of the Village, please voice your opinion on this issue soon as you may not have an opportunity to do so later. Please contact Wendy at 877-9248 extension 2 for details on filing a complaint or speaking at a Council meeting regarding the property at 111 Main Street and the possibility of that property being zoned Commercial/Business 1 instead of Residential 1. On Sunday, May 17 again a very strong odor from the toilet. On Monday, May 18 work was being done on a truck from approximately 7:30 – 1:30. This was the only time we were home before we left to move our grandson. The truck was green. Do they park and work on trucks other than their own? I have not seen that truck since May 18. If the property at 111 Main Street is changed to Commercial/Business 1 and we put a "for sale" sign in our yard, how many of you would buy our property? Thank you for your time and attention to this very important matter, for not only the neighbors but for the Village of Commercial Point. A village, by the way, that we chose to buy land and build a house to live in the rest of our lives. Thank You." Mayor Hammond asked Council since they are the Zoning Board, if they had any questions for Ms. Reynolds. Solicitor Hess said that the questions needed to be asked at the public hearing rather than tonight. He said all the neighbors will get a notice of the date and time of the hearing.

Mayor Hammond said Solicitor Hess explained the Health Department issue. He asked Solicitor Hess for clarification on if we should attend. Solicitor Hess said Circleville as well as representatives from other villages and townships are going to be in attendance to voice their concerns and questions and he is asking Council for direction in how they would like to proceed whether it be our Administrator, Mayor or himself attend the meeting. He is wanting direction on

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how Council feels about the proposed funding changes from the City of Circleville and how our vote should be. He apologized for not having more information for example on if we could opt out. He said in conversations with Mr. Struckman, other townships and villages have tossed around the idea of an alternative method to contracting with Pickaway County should this proposed change go through. Mayor Hammond said in Union County when he lived in Marysville, this was an item that was put on the ballot for more millage to cover the cost of the health department. Solicitor Hess said maybe that is something that would happen here if the current situation was refused. He said he didn't know what the alternative would be. Solicitor Hess said the City of Circleville is behind the proposed changes with an effective date of July 2015. Solicitor Hess said that he had spoken with Wendy and we have never received any notifications of this meeting. Mr. Sadler said we have a line item in our budget where we pay the health department. Solicitor Hess said that was correct. Mr. Sadler thought it was strange that we had to hear about the proposed changes through Mr. Struckman. Solicitor Hess said there is a township committee that he feels put together this package of information to pass out to everyone that will be affected by the proposed changes. Mr. Sadler asked if Council was to decide who to send to the meeting. Solicitor Hess said that the administration could decide who would attend the meeting however he was looking for direction as to does Council agree to the proposed changes or do they disagree with the proposed changes. Solicitor Hess made a motion to deny the proposed changes from the City of Circleville in regards to the funding allocations for the Pickaway County Health Department. All members of Council agreed with the motion. The motion passed. Mayor Hammond asked Council if it was OK for either himself or Administrator Shelton to attend this meeting on June 9, 2015 to voice our opinion. There were no objections.

At this time, Ms. Becky Blevins asked for an update on the closing of the alleys. Solicitor Hess said at the last public hearing that was held a few months back, the Village Engineer wanted an easement granted to the Village and we are waiting for those documents to be prepared. Ms. Blevins said she just spoke with Engineer Grosse and he had no idea where anything stood and had not heard anything since the last meeting. Solicitor Hess said he would be in touch with Engineer Grosse.

Ordinance 2015-04 – AN ORDINANCE ACCEPTING THE PLAT OF WALKER POINTE SUBDIVISION, SECTION 3, PHASE B. Mayor Hammond did a second reading, title only.

Ordinance 2015-05 – AN ORDINANCE GRANTING APPROVAL OF AN EASEMENT TO FRONTIER NORTH INCORPORATED. Mayor Hammond asked for a motion to waive the three readings based on his conversations with Frontier and Engineer Grosse's recommendation. This will allow Frontier to move forward. Mr. Wissinger made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes, Mr. Sadler – Yes. The motion passed. Mr. Laxton made a motion, seconded by Ms. Evans to adopt Ordinance 2015-05. A roll call vote was taken: Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes, Mr. Sadler – Yes. The motion passed.

Resolution 11-2015 – A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A SECOND CONTRACT REGARDING LAW ENFORCEMENT SERVICES ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT WITH THE PICKAWAY COUNTY SHERIFF'S DEPARTMENT FROM JUNE 2, 2015 – AUGUST 29, 2015 AND DECLARING AN EMERGENCY. Mr. Geiger made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes, Mr. Sadler – Yes. The motion passed. Mr. Geiger made a motion, seconded by Ms. Evans to adopt Resolution 11-2015 and declare an emergency. A roll call vote was taken: Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes, Mr. Sadler – Yes. The motion passed.

Resolution 12-2015 – 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. Mr. Sadler made a motion, seconded by Mr. Geiger to approve Resolution 12-2015. A roll call vote was taken: Ms. Evans – Yes, Mr. Wissinger – Yes, Mr. Laxton – Yes, Mr. Geiger – Yes, Mr. Sadler – Yes. The motion passed.

At this time, Mayor Hammond said there were two items on the table and no discussion will be made at this time unless someone chooses to make a motion to remove the items from the table. There were no motions. Mayor Hammond asked each Council member if they had any additional business to discuss. There was no additional business.

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

Joe Hammond, Mayor

Wendy L Hastings, Fiscal Officer