

**Village of Commercial Point
Council Meeting Minutes
February 1, 2016**

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. Laxton, Mr. Geiger, Mr. Sadler, Mr. Townsend, and Mr. O'Neil. Ms. Evans was absent. Engineer Grosse, Utility Superintendent John Thompson, Village Administrator Ross Crego and Chief Jordan were also in attendance.

Mr. O'Neil made a motion, seconded by Mr. Laxton to approve the January 4, 2016 Regular Council Meeting Minutes. All members approved, motion passed. Mr. O'Neil made a motion, seconded by Mr. Sadler to approve the January 18, 2016 Special Council Meeting Minutes. All members approved, motion passed.

Administrative Reports:

- A. Mayor's Report-Nothing to report.
- B. Village Engineer's Report- Engineer Grosse provided an update on the well field. He met with the property owners and was given permission to go on the property and he said after driving the site he found interesting opportunities. The next step is to meet with the property owner and show them the sites and obtain their blessing then it will go to the EPA for their approval. Engineer Grosse said the EPA would come out to inspect the site and give them an approval letter stating it looks like a good site. He said the next step is to go back to the property owners and negotiate the agreement so they can do the test wells. He said it is a good idea to do this prior because if the test wells hit then the value of the land goes up. He is hoping this will happen in the next six weeks. Engineer Grosse said it looks very promising. He said he drove the site and it is near the Columbus wells where they hit 35,000 gallons per min. He said we are looking to hit 500-1000 gallons per minute. He will provide more information at the next COW Meeting. Mr. Sadler asked how many feet is it from the water plant. Engineer Grosse said it is just under a mile. He said it is considerably farther than they hoped to be, but it is still an option. Engineer Grosse said the sludge project is moving along, they have some preliminary layouts to go over, he will meet with John Thompson, Utility Superintendent to get that scheduled. He said he would go full force sometime in April once the budget is approved and still have the goal of getting bids sometime in mid-late summer this year with completion in April 2017. Engineer Grosse said in regards to Westport Homes, the County Commissioners have approved the annexations and it is now in the hands of the village. He said they did not have the final agreement finished and was hoping to have it tonight but it is not complete so it cannot be presented to council for review. He said the schedule, pending council approval, is to have a Special Meeting Monday February 8, 2016 at which time he will have the final agreement and will ask for approval on the final agreement and the annexation. He said the plan is to have the draft of the final agreement sent to the Council Thursday prior to the meeting to review and answer questions. Engineer Grosse said by February 23, 2016, everything disappears if not approved because that is their 120-day deadline. Mr. O'Neil asked if we can strike from the agreement no parking on one side of the street. Engineer Grosse said that is not in this agreement, it contains information about the water and sewer taps and the parking would be in the plan approval. Engineer Grosse asked council to consider having a Special Meeting on February 8, 2016 at 7:00pm. Mr. Sadler asked if there is a Zoning Committee Meeting at that time. Fiscal Officer Hastings said yes but it could be moved to 6:00pm and hold the Special Meeting at 7:00pm. She said she will need to know in order to post on the website the times of the meeting. Mr. Sadler confirmed Zoning Meeting will be at 6:00pm and the Special Meeting will be at 7:00. Engineer Grosse discussed the Adopt a Street program. He said when you come into town on Welch Road there is a tremendous amount of debris and he thinks this might be a

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good opportunity to start a program in the village and have a group take care of that street. He said it is usually groups like civic, school, Boy Scouts, etc. He said if council were interested, he would obtain the information. He said there are a list of documents that need completed such as liability that would have to go through Solicitor Hess. Mayor Joiner feels it is a great idea. Mr. O'Neil said he asked about a year ago and nothing happened and he is still interested and will take one road. Engineer Grosse will look into it and obtain the information for council. Engineer Grosse said there is an issue at the waste water facility with the operation of their lift stations. He said presently, they have no back up. If there is a pump that goes out, they lose all the controls. He said he would like to propose to council to allow them to purchase a stand by diesel power pump with a murphy box, which is controlled by floats. He said the price is estimated to be about \$50,000. He said it will handle any of their stations. He would ask once the budget is approved to be allowed to purchase it. This style of pump is not proprietary but it is limited who makes them. Mr. O'Neil asked while they are looking into it should they also look into purchasing a digital generator for the lift sites. Engineer Grosse said the problem with generators, if it gets hit by electric, knocks your control panel out that \$30,000 generator will not even start. It's great for a power outage but the stand by pump, if the control panel is out the pump will still start. Mr. O'Neil asked about a generator for the village office. Engineer Grosse said that is a separate issue but if council is interested he can put together some numbers for him. Mr. O'Neil said he understands that is not John Thompson, Utility Superintendent's department but since we are discussing backup, this building should have emergency power. Engineer Grosse said we can look into an automatic transfer switch and a connection point and we can run the office with one of the generators we do have if we would need to. He said that would give us time to look into placing a generator here. He feels putting in an ATS onsite would be a major step. Mr. O'Neil asked Mr. Grosse to work on that both ways, generator and transfer switch to see where it comes out. Mr. Thompson, Utility Superintendent said the Waste Water Plant has a stationary backup generator automatic turn on and they have two additional generators, one mobile generator set up for the well field and one bigger generator that gets pulled between the lift stations. He said generally the generator can last 0-24 hours depending on what is going on with the weather. He said we can rent a backup pump but when Katrina hit there were none available. Mr. Thompson said he and Mr. Grosse have discussed having a backup pump for the lift stations but he has approximately 5 lift stations and 5 pumps and he calculated them to be anywhere between \$8000 to \$17,000 each. Mr. O'Neil asked as they fail can they start switching them over to one brand. Mr. Thompson said it is almost impossible, they have different phases of power and different horsepower. He said they are all one brand, KSB Pumps but everything is sized different according to head pressure and size of the lift stations. Mr. O'Neil asked if the generators they have can be used in the Village office. Engineer Grosse said yes if there is no electricity then we can rent it from the water and sewer department. Mr. Thompson said water and sewer paid for part of this building. Engineer Grosse said that would be no problem. Engineer Grosse would like to ask council to authorize the purchase once the budget is completed. He will talk to the vendor and get all the paperwork needed. Mayor Joiner told Engineer Grosse to get a couple of quotes and bring it back to council, he thinks it is a great idea. Mr. Thompson said there are two companies that make the pumps and one is quite a bit different than what they want to go with. He is waiting on an update. Mr. Thompson said he and Village Administrator Crego met Friday and covered several items. He said Village Administrator Crego is concerned with the water in Flint, Mi. He said if anyone has any issues our CCR report, which has to go to the EPA each year is available and is also available on the EPA website. He said they test for lead/copper every 3 years and the next test is in July. He said if anyone has any questions or concerns they can call him. Mr. Geiger

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asked if we have a lot of lead/copper pipes. Mr. Thompson said lead/copper is tested at a resident's house which the EPA gives you twenty sites they have to pull from unless they cannot access the sites. He said they are basically testing the property. All of our pipes in town, all of our systems are new. He said we have no lead service lines and a small amount of copper lines, mostly everything is plastic. He said there are traces of lead in everything. He said the federal standards are 15 micrograms per liter. Mr. Laxton asked if they switch the testing sites around. Mr. Thompson said no and that they have to pull from those twenty sites requested by the EPA.

- C. Village Solicitor's Report-Not present
- D. Police Report-Chief Jordan distributed the call logs for the month of January. He said there were 91 calls which consisted of traffic stops, calls for service, etc. He wanted to acknowledge Officer Kelly and will place a letter of accommodation in his file. He said "On January 23, 2016 Officer Kelly, while on patrol checked open gates at the water treatment facility, while checking on the fields Officer Kelly observed and a vehicle with a male and female inside engaged in sexual conduct. The female seemed fairly young and upon investigating it was discovered she was 15 years of age and the male was 42 years of age. Officer Kelly detained the male party for gross sexual imposition and contacted a county unit since this actually occurred outside the village corporation limit. It was later discovered that the female was a stepdaughter of the male. Investigations are pointing in the direction that there has been ongoing of sexual abuse and the female has now come to a stop with this encounter." He did type up something for Officer Kelly's file not just for this but also for his continuing with the Sheriff's office with this investigation. He said apparently upon interviews this has been going on for several years with this girl, not just in Pickaway County but also in Franklin County where Columbus is involved with it. Chief Jordan also noted the new/used cruiser is out on the road. It has been marked and fully equipped and being used for patrol. He said the old Dodge Durango has been removed from the garage and is at the fire training grounds. He said they are going to take the title over so they can use it for training purposes. He said the firefighters are excited to have it for training because they have never had a police vehicle to cut up which provides new obstacles. He said the 2009 Crown Victoria is still in the shop and should receive it back this week. The computer for the engine controls went out and it had to be ordered direct from Ford. He said there is also new striping that will be placed on the car once returned as well as striping for the SUV. The striping is Navy Blue and Gold to represent the colors of the school and represent the community. He said he added one new reserve officer in January and just finished the interview with a second applicant that will be brought in this week to be sworn in as a reserve officer. This will be a total of four reserve officers. He said this week Officers from this agency will assist the Pickaway County Sheriff's office, Ashville and South Bloomfield Police with training drills at the high school in Ashville and elementary school in South Bloomfield. He said staff at those locations would be presented with training in an active shooter scenario.
- E. Village Administrator-No report.
- F. Fiscal Officer's Report- No Report. Fiscal Officer Hastings said we do need to schedule another Finance Committee Meeting. Mr. Geiger said he thought it would have to be after the Safety Committee which is in two weeks. He said Mondays seem to be a good day for everyone and suggested Monday February 22. Mayor Joiner asked Mr. O'Neil what it was he discussed in the earlier Safety Committee Meeting that he needed. Mr. O'Neil said they would like to see some of the numbers to go along with the four proposals so they can look at it and make their recommendation to the council. He said he believed after they made their recommendation the Finance Committee would need to look at it to make sure the money is there and approve that for their recommendation then both recommendations would go to council and whichever needs possible change in the employee handbook. Mr. Sadler said he would like to see the

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Safety Committee recommendation based on the needs of the village and not how much money we have. He said as example if they come back and say how many hours we need coverage then the Finance Committee can come back with cost. Mr. O'Neil was ok with that. Mr. Sadler said they will share the number with them, they aren't hiding anything but he wants to make sure we are not choosing it strictly based off of money. Mr. O'Neil said he understands that but he did not feel they had all of the information soon enough to make a decision. Mr. Sadler said they will confirm with Nicole to have the meeting February 22 at 7:00pm.

Legislative Reports:

1. Mr. Geiger said it was brought to his attention there was an issue with a citizen left behind during the gas leak and he wondered what we can do to make sure that does not happen. He said it was the house closest to the leak and naturally, it should have been checked to make sure that no one was there. Mr. O'Neil asked if the issue has been brought to the Fire Department. Mr. Geiger said it had. He said it is his understanding and maybe Trustee Struckman may have information, the Fire Department was told the house was empty. Mayor Joiner said anytime you are involved in a situation of that nature, law enforcement is to close off the perimeter and command of the situation falls on the Fire Chief. He said any type of evacuation would come from the Fire Chief. He said it was his understanding from the last township meeting the Chief did not feel there was imminent danger coming from that situation. Mr. Geiger said anytime there is a gas leak it is imminent danger and if there was a house leak next to him he would not want to be there. Mayor Joiner said that is left in the hands of the experts. Mr. Geiger asked that the Safety Committee talk to both chiefs to see next time something like this happened we can make sure things are handled. Mr. O'Neil said they can talk to our chief and if the Fire Chief is open to talking to then sure. Mr. Geiger feels something better should be coordinated. Chief Jordan said he was there that day and the house from all visual appearances seemed to be empty. Chief Jordan said this was not his first experience with a gas leak. He said he used to be a firefighter prior to coming into Police service. He said there was a gas leak and there were high winds that day. If there is no wind it keeps the gas in one spot but this day the winds were blowing it away. He said the house was not the closest to the gas leak; it was the opposite corner. He said he believes the house in question was on the SE corner of the intersection, this was across and diagonal to where the leak was. The wind was blowing the gas fumes the opposite way of the house. They evacuated the house in the way the winds were blowing. The Fire Department did not believe it was a high apparatus explosion point. The individual who was not evacuated called in and asked why a phone call wasn't made. He said we do not have that ability. He said at that point there was not a significant risk or they would not have been operating fire equipment. He said at that point there were two officers who did not have any fire protective equipment but they did evacuate the house where the kids were. Chief Jordan said he feels everything was handled safely by his and the fire chief's thoughts. Mr. Geiger said he understands; he can only go by what the citizen told him since we were not there. He said the gas leak was 50 feet from their house so not that far away. Mayor Joiner said the biggest issue and concern is the safety of any citizens. He said the residents are first in any public servant's mind. He said this falls with the Fire Chief. He said he thinks as we move forward we can have more opportunities where we can work on joint drills. He has invited Chief Welch out to the water plant to do on hands training as far as chlorine and methionine, he feels those are necessities. Mayor Joiner feels it is a valid concern. Mr. Geiger said he has left a few messages with Mr. Carlin at ODOT regarding Welch and 762 and the hill by the carwash. He said he has not received any response. Mr. Geiger said he has another number to call, however this person

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does not work with him but around him. Mayor Joiner talked to Trustee Maynard who provided him with additional names and numbers and he will send that information to Mr. Geiger.

2. Ms. Evans-Not present
3. Mr. Laxton-Nothing to report
4. Mr. Sadler-The Finance Committee had a meeting last week. He also attended the County Commissioners breakfast which was a nice opportunity.
5. Mr. Townsend-Nothing to report
6. Mr. O'Neil-He asked if the Ohio Public Checkbook is still in the works. Mayor Joiner said it is something he would like to do. He said the next step is to have them come in and do a demonstration and discuss the product and the cost to us and how it would blend in with how we currently do our reporting. Mr. O'Neil asked if they do that quick or are they booked up or can it be done in a week. Mayor Joiner said no, he believes he can have them come in over the course of the next month. He believes the next COW meeting Mr. Hollins will be onsite to discuss the Tiff process. Mr. Sadler will take the lead on getting someone in for the demonstration of the checkbook. Mr. O'Neil asked if we have any capital outlay road money for the radar sign. Fiscal Officer Hastings said there is nothing in the capital outlay for the Police Department. Mr. O'Neil asked if we have anything in road signs. Fiscal Officer Hastings said she would have to get back to him on where we are. Mr. O'Neil said he thinks if there is money in the road signs, we can use that to buy the radar sign. Mayor Joiner said he has a man coming in Friday from a safety distributor and invited Mr. O'Neil to attend to discuss the signs. Fiscal Officer Hastings said right now there is \$7000.00 sitting in the Operating Supplies and Materials for traffic signs, signals and parking but with Chief Jordan talking about going out and looking at all the signs that need repaired she is not sure we can find an extra \$4000.00 to cover it. She said it does not mean we cannot move more over from the transfers out fund but right now, we have \$7000.00. Fiscal Officer Hastings said we would not replace all the signs; they have a plan in place from 2012 that states they will replace the signs with the new reflective stuff. Mayor Joiner also asked Mr. Geiger when going back to ODOT he asked them to check on the two different speed limits on 762. Mr. Geiger said he has mentioned that to ODOT and they need to be uniform, which ODOT agreed but has not addressed yet.

Citizen Comments:

Mrs. Geiger addressed the council and brought a few items to their attention. She said when Joe was our mayor the main focus was the safety of our kids and someone was at the school every morning. Due to the cold she has been driving her kids to school and on January 19, 20, 21, 22, 29 and February 1 no one has been there to watch the traffic and it has been like a racetrack. She said it is chaotic, kids walk and you can definitely tell a difference when someone is there. She said she understood Officer Waas was out ill but believes it is Chief Jordan's responsibility to have someone cover it and if he cannot find a reserve then Chief Jordan should be out there himself. She also said to Mayor Joiner to reprimand him if he is not, she said the safety of the kids should be number one because there are over 700 kids in this school. She said there were a few days when she picked up her kids at the preschool and Officer Waas was there which she felt was nice because she has not seen anyone there. She said when we had the Sheriff it was either them or one of our guys and we need to implement that. She said Mayor Joiner said when he ran for mayor he was going to step up and hold our chief accountable. She said she hopes he will still run on that and she knows Police is number one and the kid's safety should be first. Mrs. Geiger said secondly on January 15 she was going to a friend's house and stopped by the Point and Officer Kelly was there pumping gas, she said she really likes Officer Kelly and has nothing bad to say about him. She said she spoke to him and left then an hour later she came back and he was at the same pump talking to Mr. O'Neil. She said she feels many times you see Mr. O'Neil talking to police and she feels this withholds them from patrolling our

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village. She said with Mr. O'Neil being a council member the Mayor should hold that accountable to. She wanted to add to the gas leak, she said Chief Jordan said he didn't think anyone was at that home and she does not know what would make him think that, there's curtains, blinds and cars in the garage. She said as a police officer regardless of who that person is regardless of whether they care for them or not, it is common courtesy to knock on the door or maybe the chief should have done it, but it should have been handled differently. She addressed one last item to Mayor Joiner. She said she knows he and her have not always been on the same page but she is trying to give him the benefit of the doubt to do what is best for the village. She said she knows a couple of times he made the statement that it doesn't matter he has the votes and he will get what he wants to get. She said it is not a dictatorship, it is a village and he is there to do what is best for the village. She said she heard a couple of things, like him wanting to dig the tree up in our main area to put a gazebo up, which is one thing Mr. Sadler ran against vocally. She feels digging up the tree is a waste of tax dollars and it is fine where it is. She said her fear is all the money is being spent, and nothing is being put back for our kids. She said she, Jim Kuzelka and Randy all met with the splash pad person and dreamed of having some kind of park for our kids. She does not think this will ever happen because the focus is on the police. She hopes someone will be up at the school from now on.

Mr. Hammond said he had one item to discuss and wanted to give a brief history. He wanted to preface this conversation with the parties involved. He said he personally does not know and has not had conversation with them. Our Zoning Inspector gave a verbal commitment to Hill Jack Trucking sometime in 2014. He said he was made aware of it on a Saturday when he was here and the Zoning Inspector asked him about it and he read the zoning code. He said he informed the Zoning Inspector that his opinion was incorrect and he disagreed with it vigorously. He said the Zoning Inspector assured him that his close friendship had nothing to do with the decision, which he did not know who it was and he had never met them. He did make the statement it is in violation of the zoning code and can't stretch it. He said Solicitor Hess sent a letter on June 17, 2014 that states "to cease operations on that parcel of land for commercial purposes." Mr. Hammond said that letter did not get responded to or taken until the appeal from Hill Jack came on February 23. He said there was a zoning hearing on March 16 where council did find the zoning inspector incorrect in his decision. He said there was a rezoning application on March 27, again it was voted down. He said at that point from a legal position action needed and should have been taken back in June 2014 and that has not happened. He said to his knowledge there has never been a permit issued either for the driveway or anything in writing from our Zoning Inspector stating this was commiserate with his interpretation. He feels with that being said he asked Gary why he did not have in his file all of the deed restrictions for the subdivisions for a village this small. Mr. Hammond said the Zoning Inspector informed him, that it was not his problem and that he was here for the village. Mayor Hammond said no, and that the restrictions trump zoning legally. He said this has gone on for some time and we have spent a lot of money and bottom line everything had been voted down. He said our own 126.202 says "The intent of R-1 single family district to provide areas for single family swellings One family detached car." He said with that we go to the deed restrictions which are on file Vol0614 Page 1776 at the recorder's office states "The undersigned (the 'Declarant'), being the owner of the following described real property in Pickaway County: See attached Exhibit "A" The foregoing is hereinafter referred to as "lot", "lots", "premises", or "property". He said "1. Land Use. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than the one detached garage single-family dwelling not to exceed two and one-half stories in height including a private attached garage. Although pre-fab dwellings are permitted no sectional and single or double wide mobile dwellings will be allowed other than those used by the Builder in construction of a single family dwelling. The minimum square footage of all homes shall be One Thousand Six Hundred (1,600) square feet of finished living area." Mr. Hammond said the other important item is nuisance. He said "Number 3 No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood." He read "Number 4 Additional Structure, one structure, such as a barn or tool storage

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building in addition to the single-family home, shall be permitted on any lot.” He said you have the deed restriction which the folks who occupy the land presently gave testimony during the rezoning, they repeatedly had asked that they will give deed restrictions, that being said they have deed restrictions that are being violated by the folks occupying the land. He said with that being said the deed restrictions do trump zoning. Mr. Hammond said Mr. Hess does not require the permission of the council to take legal action as necessary for this community. He said decisions were made twice both negative, and it is time for the Village Solicitor to do his job. He respectfully requests that they proceed and to stay on a positive not he would like to go on the record that at least four members of the elected officials have compromised their position in this situation and he does not know how they can come to an end vote because their position has been compromised. Mr. Hammond said he has no fault against anyone from day one. He has made his position clear and we need to make it correct. It has nothing to do with the people or the person it has to do with the integrity of the community. He said he is at a total loss and he personally asked Mr. Hess to file an injunction and for whatever reasons he respects Mr. Hess and he is a wonderful person and a good friend, the last time he asked Mr. Hess about the injunction he felt with the election and everything going on it was not an appropriate time to take action. Mr. Hammond said he is standing in front of council asked them to instruct our solicitor to do the job that has been voted on. There is no question the deed restrictions have been violated as well as our own zoning. He asked them to think about the situation and not the people. Mr. Hammond plans to contact Mr. Hess and express his viewpoints. He then thanked everyone for their time and what they do. Mr. Geiger told Mr. Hammond he brought this issue up at the COW Meeting. Mayor Joiner said his question is on Deed Restrictions, deed restrictions fall between two private parties as far as ownership vs Municipality. Mr. Hammond said he is 100% correct. Mayor Joiner said that would be up to the Reynolds to file. Mr. Hammond said it is a two-part situation, the village has a responsibility here to uphold and enforce their zoning, any damages have to be filed by the Reynolds against the person with the property. He said we have our responsibility here in the villages. He said we have failed and he has failed to push this down the road. He said it seemed to gain traction and they feel we will do what we want to do and what are you going to do about it. Mayor Joiner said that is his concern; Mr. Hammond had from June 2014 until December 31 that if something should have been done from a judicial standpoint, it should have been done. He said now in 2016 a year and a half later it is still an issue and he does not understand what he wants the municipality to do on behalf of Mrs. Reynolds. Mr. Hammond said nothing for Mrs. Reynolds, only municipality to protect the integrity of all the property to protect from something like this. Mayor Joiner said he has a year and half to take care of it and now it's an issue. Mr. Hammond said it was issue since the day he told the Zoning Inspector it was wrong. Mayor Joiner said if he remembers the votes correctly; there was one vote that was 6-0 saying the interpretation of Gary Griesenbrock was wrong and another one came in 4-2 that amendments were going to be made to the property and that the council would allow those amendments to be brought. Mr. Hammond said the owner wanted to do a rendering and bring back to council and that never happened. Mayor Joiner said the council voted for that to be allowed and they have 12 months to do this. Mr. Hammond said no not 12 months, he said they went to rezoning so again two separate issues. They had a right to appeal the issue on R1. He said during this time Mr. Hess didn't feel the injunction would be proper and there were public hearings. For the protection and betterment and welfare of our village we need to uphold regulations that we have in place until such time Council changes it. Mayor Joiner said he appreciates what he is saying and that is why they put together a Zoning Committee because the total zoning book as it stands today needs a lot of work. Mr. Hammond said he agreed it would help if we lined up with the township and their zoning. He said one thing he has asked for four years is something that pertains to land of size, every village has it but us. He commends everyone for running, it is time consuming, and he is not a negative force. This is his home and will be his home and he wants to protect it. He was careful not to do certain things because they were stereotyped. He said he respectfully asked Chief Jordan to get busy, and get rid of all junk cars and cars with expired tags. He said when you read the Zoning book you

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are going to find a list of violations all over the village. Mr. O'Neil asked if he could make them a list. Mr. Hammond said he has done that and he needs to talk to the Chief because he has done that.

Mrs. Clemons addressed the council and said she is really getting weary of this situation and the misinformation being shared here by people who were involved, are involved and the solicitor. She said in regards to the Deed Restrictions; these are deed restrictions, a civil remedy between people who own the property, and have nothing to do with the village and continually bring it up is bordering harassment and is tainting. She said our own solicitor told the former mayor they cannot be brought up and even took him by the arm and told the former mayor they cannot talk about them in the hearing, yet they have been brought up half a dozen times by council, solicitor and people who used to be involved in this local government and becoming a tiresome conversation. She also said in regards to the Deed Restrictions "No trucks, commercial vehicles, boats, trailers, campers or mobile homes shall be parked or stored on any lot unless the same are in a garage or at the rear of the dwelling and out of view from the curb in front of the dwelling." She said first number one there is no curb, these deed restrictions were created when there originally 5 parcels and was considered a minor subdivision, it was supposed to have been a massive subdivision at one time. She said these five lots initially were considered a minor subdivision and Park Meade changed that because they did not want to put in a common road, single access and maintain it. She said those deed restrictions just followed the parcels, there is no curb and they are at the farthest point of the property and there is an intent to construct a building to conceal all six trucks so they will not be visible until they leave and return to the parcel. She said there is no commercial activity that occurs there, no business operation that occurs, no goods, services or money being exchanged there. She said it is just a place to park. Mrs. Clemmons said she would further push that as damning an issue it was from the previous council; it troubles her if it was such an issue why is it today there is nothing on the books to prevent someone else from doing the exact same thing that she is doing today. She said if it is that detrimental, the Zoning Board should address that. She said as Mayor Joiner pointed out the zoning laws are very ambiguous and there is not a single word about parking in the zoning except for a commercial lot. She said it is what it is, if there are restrictions that need to be put in place to better manage that then they need to be put in place to better manage that, but it doesn't change that there is nothing in the zoning that says you can't park a commercial vehicle there. She said in regards to the zoning hearing, she would implore Council to go back and read that transcript from the meeting because as Mayor Joiner apparently read it; it does have that everyone did not agree with what Gary Griesenbrock has decided for use on this parcel but also agreed to allow amendments. She said she thought it was Mr. Geiger who said why couldn't we just rezone it to B1. Mr. Geiger said no, he did not say that. Mrs. Clemons said she would pay them \$400 now to do that. That hearing took place on March 16 within 10 days she had a \$400 check and a proposal turned into Fiscal Officer Hastings. She said two days later the check cleared the bank so for Mayor Hammond to imply nothing was submitted is a flat out lie, that is incorrect and an untruth. She said it took several months to be heard; and was struck down, 3-3 and Mayor Hammond had to cast the deciding vote. She said this has become a personal issue and she is not all together certain that it would be within Solicitor Hess realm to act on his own. She said this is all she has to say and we need to be able to work something out, she is fine to do a lot split, fine continuing to do what she is, if she can get a variance to build the building she will work on getting finance tomorrow. She needs to know it is not going to be in vain that they can all come to some arrangement that works for everyone including her. She said she has invested a lot of money into that parcel based on the good faith of the Zoning Inspector and he checked with a lot of people before he answered. She said it was weeks before he made a decision.

Mr. Hammond asked to clarify a point. Mayor Joiner said no this is not the time and it not going to be a debate. Mr. Hammond said the \$400 was a fee for rezoning and he was not telling a fib. Mr. O'Neil asked Engineer Gross if our village needs to have a permit for a driveway. Engineer Gross said no driveway permit but a right of way permit. Mr. O'Neil said he was reading case law in Columbus and the City of Columbus could not deny a driveway to a landowner because in essence if it did the land then became the cities.

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Engineer Gross said that is correct. He said we have a right of way permit that anything that goes on in a right of way has to be approved by the village and that is done for several reasons but primarily to make sure the driveway going in meets the criteria, culvert size, etc. He said any work regardless who it is, has to have a permit. Mr. O'Neil asked who has to issue those. Engineer Grosse said he does. Mr. O'Neil asked if one was issued for this drive way. Engineer Gross said he did not. Mr. O'Neil asked if there are certain recommendations that have to be met regarding width, thickness etc. and is this something spelled out in the book. Engineer Gross said some are in the book; some are common practice. Mr. O'Neil asked if there were ever any meetings in reference to this at the property site. Engineer Grosse said he did meet with them. Mr. Geiger asked if a commercial drive way is allowed on a R1. Engineer Gross said commercial driveway mainly talks about the thickness of the pavement but you can put that pavement anywhere, it is not tied to zoning. Mayor Joiner had a follow up question to Mr. Geiger's question, that is on state route 762 is that our roadway or state. Engineer Grosse said it is the village. Mayor Joiner asked if take care of maintenance and anything associated with that driveway. Engineer Grosse said it is an interesting connection, ODOT will pave it but as far as access, we do not go through ODOT if it is inside the corporation limits. Mr. Geiger asked if the term "curb" apply to if there is a curb there or the edge of the road. Engineer Grosse said he would have read it; he is not sure of the context it is used in. Its legal interpretation, to him if it says curb there should be a curb there. Mr. O'Neil asked if the right of way permit was applied for. Fiscal Officer Hastings said yes, she has it. Mr. O'Neil asked if it was approved or denied. Fiscal Officer Hastings said it was denied per the letter Solicitor Hess sent. Mr. O'Neil asked if we know why. Fiscal Officer Hastings said it was a letter Solicitor Hess sent, she would have to go back to it. Mr. O'Neil said he believes there are some things going on with this that are above Solicitor Hess' head. He and the Mayor have discussed contacting a specialty lawyer to look into this from start to finish regarding how this is going because there are many documents that he has never seen and a lot needs to be looked in to. He said he feels a specialized firm should look into. He is not sure how the rest of the council feels but it's gone months and nothing has been done and now it is an emergency issue. He said it needs to be resolved.

Business items: Nothing to report

Legislation: First Reading

Ordinance 2016-01 An ordinance authorizing and directing the Village Administrator and/or Mayor of the Village of Commercial Point to enter into a contract for an easement on behalf of the Village of Commercial Point with Intelliwave, LLC. Engineer Grosse has a draft of the agreement and said it is an easement but does have one section where it discussed purchase price. He said the Village Solicitor felt we needed to pass another document authoring that signature. He said it is not just an easement, it is an easement contract. Mr. O'Neil made a motion to waive the three readings of Ordinance 2016-01. Mr. Geiger seconded. Fiscal Officer Hastings took a roll call: Mr. Geiger-yes; Mr. Sadler-yes; Mr. Townsend-yes; Mr. Laxton-yes; Mr. O'Neil-yes. Mr. O'Neil made a motion to accept Ordinance 2016-01. Mr. Sadler seconded. Fiscal Officer Hastings took a roll call; Mr. O'Neil-yes, Mr. Laxton-yes; Mr. Townsend-yes; Mr. Sadler-yes; Mr. Geiger-yes. Fiscal Officer Hastings said this will go into effect in 30 days because there is no emergency language. She said she will not have Mayor Joiner sign off until Intelliwave brings her their check for \$1280.00 for easement at the property by the lift station. Once completed Mayor Joiner will sign the agreement.

At this time, Mr. O'Neil made a motion to adjourn, seconded by Mr. Mr. Geiger. All in favor and the meeting adjourned.

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Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

*Minutes provided by Paula Baldwin, Administrative Assistant