

**Village of Commercial Point
Council Meeting Minutes
June 5, 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. Laxton, Mr. Townsend and Mr. Geiger. Mr. O'Neil was absent. Solicitor Hess, Fiscal Officer Hastings, Utility Superintendent Thompson and Engineer Grosse were also present.

Mr. Geiger made a motion, seconded by Mr. Sadler to approve the May 1, 2017 Regular Council Meeting minutes. All in favor, except for Mr. Townsend who abstained, motion approved.

Administrative Reports:

- A. Mayor's Report- Mayor Joiner reviewed the Mayor's Court financial report.
- B. Village Engineer Report- Engineer Grosse said Chestnut Commons owes us bonds. He said council gave the approval for the plat pending the mayors signature and bonds they are supposed to provide us. He said they have not provided the bonds yet. He said they are to provide us 100% bonds upon completion of the streets and getting 50% bonds on everything else. He said when Chestnut Commons came in they discussed previous issues with retention ponds. He said in the developer's agreement they are supposed to give us a bond covering the maintenance on the three ponds at Chestnut commons for an unlimited time. He said we need a \$50,000 bond guaranteeing maintenance on all three ponds until such time it is transferred over to the HOA. He said we will make sure the HOA has funds before we transfer. He said we have not had any issues with Westport homes in the other phases. He said the \$50,000 non-expiring bond should cover it. He said he has not brought the plat for the mayor's signature until this is taken care of. He said they know they cannot transfer lots until this happens. He said they also discussed the elevated tower and booster station. He said for next approval for the plat we would like to see signed contracts for the elevated tower. He said there are also issues on the booster station. He said he would like to meet with Mayor Joiner and Village Administrator Crego when he returns. He said some of the cost of the booster station has escalated farther than he thinks and some cost have doubled. He said there are questions that need answered before we sign the plat. Mayor Joiner asked if Jack is aware of the issues. Engineer Grosse said yes, it starts with the Engineers and goes up to Jack. He said they are aware of the issues and know the plat will not be presented for Mayor Joiner's signature until the issues are handled. He said we just received the proposed description on the wellfield. He said it is approx. 10.6 acres. He said once this is accepted it will go to Mr. Hess, Trustee of the property and that is when money will transpire. He said the Waste Water Treatment Plant Sludge project is a big project for the village. He said we have a bid opening Thursday June 15 beginning at 10:00am at the village office. He said they should have a presentation ready for council during the July 10th meeting.
- C. Village Solicitor's Report- Solicitor Hess said he is still in the process of working on the property transfer for the booster station from Teays Valley High School. He said he believes all the correct players are now involved. He said he is preparing a Letter of Intent setting forth what we believe will be the terms of exchange. He said he believes we are all agreement with everything. He said the attorney reconfirmed with Teays Valley that they are still interested in this project. He said Teays Valley would sell it to us for a minimal fee \$1.00. He said the only issue now is the school wants their legal fees paid. He said we are talking about a piece of property that is worth \$3000 or less so we do not want to put ourselves in a position where we will pay an absorbent amount of legal fees. He said he anticipates having something to vote on in the July meeting. He said we have several pieces of legislation for review. Resolutions 16, 17 and 18 all revolved around Lehman Farms. He said this is second set of annexations. He said this is the service agreement and is not binding on the village in the sense that we are not approving the annexation but if the

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- council would approve the annexation that we will provide the services in the document. He asked regarding for Resolution 18 for council to please change acreage to 475.026 it was a mistake. He said it was incorrect in title only. He said we are asking for these to be passed as emergency. Solicitor Hess said it must be signed and filed with the commissioner within 20 days and tomorrow is the 20th day. He said obviously since we only meet once a month as a voting meeting it almost forces us to make this emergency. He said Resolution 19 is for the Ball Farm property. He said they are also seeking possible annexation into the village. He said again this is a service resolution and the 20th day is tomorrow. He asked to please pass an emergency. He said we are not binding ourselves to this. Mr. Sadler asked if we have anything on the Ball Farm. Fiscal Officer Hastings said she has a map of the property. Mr. Sadler said this is the first that council has officially heard anything. Solicitor Hess said it was briefly discussed in the previous COW meeting. He said they just filed their petition with them on May 17th. Mr. Sadler asked if this is going to be residential. Solicitor Hess said right now it will come in as it is currently zoned, which he believes is agricultural. He said they have not asked for any re-zoning. Mr. Laxton asked what their reasoning is for wanting to annex in. Solicitor Hess said typically people annex in for utilities. He said that is a typical reason, but he cannot speak for the Ball family. He said we are not seeking approval of the annexation just the service agreement. Mr. Sadler asked how we are positioned from the water department. Utility Thompson said he can't really answer it directly. He said we can provide water and sewer, the amount is to be determined. Engineer Grosse said every annexation the village has done we will make ourselves available, but at the developer's expense. Mr. Sadler asked if have a presentation of what their plans are for the property. Molly Gwen, agent for the Ball Family said there is no proposed rezoning now and there are also no developers. She said it will come in zoned the same as it is currently in the township. The resolution is just the service agreement. Mr. Geiger asked if they want to sell their property. Ms. Gwen said she is not aware of that. Solicitor Hess said he participated in the Scioto Elementary 5K for our Police Department. He said it raised funds for the bike program. He was proud to see officers run and it should a lot of village support.
- D. Police Department Report- Chief Jordan covered the police report for April and May. He said the past month there has been an increase amount of vehicle thefts. He said they have taken several reports. He just wanted to emphasize to close your garage doors at night, lock your cars and please remove your valuable from your car. He said he asked Fiscal Officer Hastings to see if there would be a significant impact to move the additional FT officer up a month early. He said West Street speed signs have been replaced. He said West Street is different than typical village streets. West Street is a narrow one-way street so it is 15mph. He said the new cruiser is in. He said he ordered the car in black and it came in white. He said they are looking at a compromise and wrapping the car in black. He said the Scioto Elementary 5k run was put on for the Police department bike program and raised \$3200.00. He is setting up officer training this month for the bike program.
- E. Village Administrator- Village Administrator Crego was not present.
- F. Zoning Inspector- Mr. McCoskey said with the warmer weather, request for sheds and decks are up. He said he signed off on another 4 homes. He said he has been working on several projects including the fees they discussed tonight. He said one issue he would like to discuss is the residential swimming pools. He said he would like to discuss this issue with Solicitor Hess. He said there is a liability issue on the village. He said as the Zoning Inspector if he does not do something there will be a liability issue. He said he is not here to punish people, it's protecting the citizens and the village and us working together on how he should enforce it in the village. Mr. Sadler said we passed an ordinance 2 years ago. Zoning Inspector McCoskey said there was a change but he thinks we need to define pools and what is the required fencing. He said he has

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- talked to 4 pool owners in the village regarding the fences. He said 2 pool owners have come into compliance on their own after he showed them the ordinance. He said it is important and from personal experience as a homicide detective with the Columbus PD, if you have ever stood over the body of a child who has drowned in a pool, it will get your attention.
- G. Fiscal Officer- Fiscal Officer Hastings said at the \$18 per hour which is our FT salary, 160 hours a month, no overtime, wages would be \$ 2880, OP&F additional \$547.20, FICA 41.76, Insurance \$500 for a total of \$3970 to bring the additional on a month earlier. Fund Status Report: General \$1,684,340.52, Street Construction Maint & Repair \$242,745.00, State Highway \$29,870.74, Parks and Recreation \$3,033.57, Permissive Motor Vehicle License Tax \$7,569.21, Enforcement and Education \$1,523.00, Ohio Peace Off Education and Training \$2,480.00, Housing Developments \$71,102.28, Water Operating \$2,852,137.00, Sewer Operating \$2,534,918.06, Garbage Operating \$30,121.17.

Legislative Reports:

1. Mark Geiger-Nothing to report
2. Brad Laxton- Mr. Laxton said he participated in the Scioto Elementary 5K and it was a lot of fun and a great community event.
3. David Sadler- Nothing to report
4. Ben Townsend- Nothing to report
5. Scott O'Neil- Absent
6. Becky Blevins-Nothing to report

Citizen Comments:

Mike Struckman said last September/October he asked to annex 7.5 acres and was told the council wanted him to bring in plats showing what kind of homes he wanted to put on this property. He said he sat here and listened to them talk about 160 acres wanting to annex in and he has not seen any of this info. He asked what is the difference between them and him? Mayor Joiner said he did not know. Mr. Struckman said neither did he, but he would like to know. He said he was told before he could go any farther he would have to provide this. Mayor Joiner asked who told him. Mr. Struckman said Village Administrator Crego. He said Village Administrator Crego told him council members wanted to see the drawings. Mr. Geiger said he never heard anything about this. Mr. Sadler said he had never heard it either. Mr. Struckman said he met with Village Administrator Crego one morning in the office and met with him again after he spoke with council, which he does not know who he spoke with. Mayor Joiner said his suggestion is for Mr. Struckman is to file an application or petition for annexation like the others have done. He said file it through the commissioner and go from there. He said there is no one here that has been told they must provide plans. Mr., Struckman said he understands that, he wants to know why he was told that. Mayor Joiner said he did not know. Solicitor Hess said there is an application process which Mr. Struckman is familiar with.

Donald England, Chestnut Estates resident. Mr. England spoke on behalf of First Baptist Church. He asked if the utility lines have been completed through the church property. Engineer Grosse said yes, the lines are complete. He said they have discussed the cleanup with them. He said this is one of the items that is on the list with the bond. He said this is all a part of the final approval. He said Westport has been great so far but, if they are complete now the yard needs to be fixed. He said the driveway is a mess. He also said their water has not been connected to the village yet. He said he has been in communication with Westport. He said they have generally had good communication in the past but he has not received a response. He said on behalf of himself as a resident the water pressure is very low in Chestnut Estates. He said his understanding is phase 2 is not permitted to be sold until the water tower is complete. Engineer Grosse said the tower would be ideal but the booster station will assist until the tower is done. He said if they started now the

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tower would not be completed until next spring. He said the booster station will go in and take care of the pressure problems. Mr. Sadler asked once we get the land how quickly the booster station would be installed. Grosse said they gave 3 cost estimates for the booster station which he is not excited about. He said this is reason he would like a meeting with the mayor. He said once it is ready and approved to go, it will be an approx. 70-day timeframe. Mr. England asked when they anticipate selling lots. Mayor Joiner said they won't. Mr. Sadler asked if the church is going on water and sewer. Fiscal Officer said they are already on sewer. Mr. England said they already bored the line to the back of the church. He said his question to Terry is when their plumber will come and tie it in. Mayor Joiner asked if Mr. England was involved in that agreement. Mr. England said yes. Mayor Joiner asked Engineer Grosse to take point.

Alan Goldhart, Commercial Point resident. Mr. Goldhart said the village has an old ordinance on the requirements of the pool. He said it needs re-written. He said we are asking the Zoning Inspector to enforce it and it is pretty much a joke the way it is currently written. The ordinance says you need a 4-foot fence around the pool. He said it does not say if it is an above ground or inground pool. It does not say how far back from the pool the fence should be. He said right now according to the ordinance he can take a 4ft construction plastic fence, wrap it around his pool and he would be complying. He said he thinks council needs to really review it. He said this was passed back in 87. He said he has talked to Zoning Inspector McCoskey about it. He said there is a ditch behind the fire department that is getting clogged. He said he does not think it has been cleaned out in a while. He said there is a catch basin by the Parmenter's house that is clogged. Fiscal Officer Hastings said she has discussed with Village Administrator Crego and he will get in touch with Mr. Goldhart.

Business Items:

Fiscal Officer Hastings said Lehman Farms came to them with the property that has already been annexed in. She said it is the part that goes across the street to Foxfire. She said they now want to rezone it. Fiscal Officer Hastings said with the rezoning, we need to contact ODOT. She said we have contacted ODOT and there is 120 day waiting period. She said she has the application and paperwork from Lehman's on how they want to rezone it. She said she is putting it in the newspaper on June 16th, 2017 that on July 17th, 2017 we will have a public hearing. She said the neighbors will receive a letter advising of the public hearing. She said then we will vote on it during the August 7, 2017 meeting. Mayor Joiner asked Solicitor Hess to attend the next COW meeting so they can discuss it.

Fiscal Officer Hastings said our next meeting is set up for July 3rd. She said if council wants to move to July 10th, she needs a motion, second and a vote. Mr. Laxton motioned, seconded by Mr. Sadler to move the July Council Meeting from July 3rd to July 10th. All in favor, motion passed. Fiscal Officer Hastings said the Zoning Committee will meet July 10th at 6:00.

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. **Solicitor**

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Hess said the information is currently with the Real-estate division with Bricker & Eckler.

B. For first reading:

Resolution 16-2017 A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF ±163.708 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND DECLARING AN EMERGENCY. Mr. Sadler asked if we must waive the three readings because of the time. Solicitor Hess said yes. Mr. Sadler asked if the multiple resolutions was because of land acreage. Solicitor Hess said it is supposed to come in as one annex request but the county auditor requested it be broken up. Chris Kessler spoke on behalf of Lehman Farms. He said they filed under a type 2 annexation and as a part of this, you cannot annex more than 500 acres at a time. He said they split it up in three which is consistent with the three parcels. Mr. Laxton made a motion, seconded by Mr. Geiger to waive the three readings. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved. Mr. Sadler made a motion, seconded by Mr. Laxton to approve the resolution. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved.

Resolution 17-2017 A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF ±475.027 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND DECLARING AN EMERGENCY. Mr. Geiger made a motion, seconded by Mr. Laxton to waive the three readings. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved. Mr. Sadler made a motion, seconded by Mr. Geiger to approve the resolution. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved.

Resolution 18-2017 A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF ±475.028 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND DECLARING AN EMERGENCY. Mr. Laxton made a motion, seconded by Mr. Townsend to waive the three readings. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved. Mr. Sadler made a motion, seconded by Mr. Laxton to approve the resolution. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved.


Resolution 19-2017 A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF ±439.016 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND DECLARING AN EMERGENCY. Mr. Sadler made a motion, seconded by Mr. Geiger to waive the three

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readings. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved. Mr. Laxton made a motion, seconded by Ms. Blevins to approve the resolution. Roll Call taken: Mr. Geiger-Yes, Mr. Laxton-Yes, Mr. Sadler-Yes, Mr. Townsend-Yes, Ms. Blevins-Yes. Motion approved.

10. Additional Items:

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



Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

*Minutes provided by Paula Baldwin, Administrative Assistant