

Village of Minerva Park  
Council Meeting: October 23, 2017  
AGENDA

**Pledge of Allegiance**

**Roll Call**

**Invocation** Councilman Wolf

**Legislation**

**Resolution 2017-33** – Authorization to Enter into Lease  
2<sup>nd</sup> Reading

**Resolution 2017-34** – Designation of Newspaper of General Circulation  
2<sup>nd</sup> Reading – Intent is to waive the 3<sup>rd</sup> reading and pass as an emergency

**Ordinance 12-2017** – Weeds and Grass  
3<sup>rd</sup> Reading

**Ordinance 25-2017** – Supplemental Appropriations  
3<sup>rd</sup> Reading

**Ordinance 26-2017** – Salary Wage Ranges and Positions Police Officer  
2<sup>nd</sup> Reading

**Ordinance 27-2017** – Accepting Final Plat for Minerva Park Phases III and IV  
2<sup>nd</sup> Reading – Intent is to waive the 3<sup>rd</sup> reading and pass as an emergency

**New Business**

**Old Business**

**Citizens' Comments**

**Adjourn**

## **RESOLUTION 2017-33**

### **A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH XXXXX FOR XXXXXX, AND TO DECLARE AN EMERGENCY**

**WHEREAS**, black mold has been detected in the current Village administrative offices and police division headquarters; and

**WHEREAS**, it is necessary to immediately relocate employees to avoid risks to human health; and

**WHEREAS**, space is available at XXXXX building for lease on a temporary basis to allow relocation of employees and evaluation of the Village's long-term options with regard to housing of employees and operations; and

**WHEREAS**, this lease would be for a period of \_\_\_\_ (\_\_) months;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, STATE OF OHIO, THAT:**

**SECTION 1.** Village Council hereby authorizes the Mayor to execute a lease agreement with XXXXXX in a form substantially similar to the lease agreement attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 2.** This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such necessity arising from the immediate need to relocate employees due to black mold and indoor air issues; WHEREFORE, this Resolution shall take effect and be in force from and after its passage.

\_\_\_\_\_  
Lynn Eisentrout, Mayor

First Reading:       October 9, 2017  
Second Reading:  
Third Reading:  
Passed:

**ATTEST**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Kimberly Pulley, Fiscal Officer

\_\_\_\_\_  
Solicitor

## RESOLUTION 2017-34

### A RESOLUTION ADOPTING AND DESIGNATING THE “VILLAGE UPDATE” AS THE OFFICIAL NEWSPAPER OF THE VILLAGE OF MINERVA PAK FOR PURPOSES OF PROVIDING NOTICES IN A NEWSPAPER OF GENERAL CIRCULATION WHEN REQUIRED TO DO SO BY LAW, AND DECLARING AN EMERGENCY

**WHEREAS**, the Village of Minerva Park is required to provide notice of proposed local legislation and of Village hearings in a newspaper of general circulation; and

**WHEREAS**, the Village desires to notify its residents of proposed local legislation and hearings in the most cost-effective manner possible; and

**WHEREAS**, Ohio Revised Code §7.12 and the Ohio Supreme Court case of State ex. rel Ellis v. Urner, 170 Ohio St. 84 (1933) authorize a municipality to adopt a municipal bulletin as the “official newspaper” to provide notice when the law requires a municipality to publish notice in a newspaper of general circulation; and

**WHEREAS**, the Village has created the “Village Update”, a monthly publication of the Village of Minerva Park, to disseminate information to all of its approximately 1,400 residents; and

**WHEREAS**, Council desires to adopt and designate the “Village Update” as the official newspaper of the Village of Minerva Park for purposes of providing notices in a newspaper of general circulation when required to do so by law;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, STATE OF OHIO, THAT:**

Section 1. The “Village Update”, as published monthly by the Village of Minerva Park, is hereby adopted and designated as the “official newspaper” of the Village of Minerva Park, Franklin County, Ohio, to provide notice when the law requires a municipality to publish notice in a newspaper of general circulation under the authority of Ohio Revised Code §7.12 and the Ohio Supreme Court case of State ex. rel. Ellis v. Urner, 170 Ohio St. 84 (1933).

Section 2. The Mayor, Fiscal Officer, and Law Director are authorized to take further actions consistent with this resolution that are needed to carry out the intentions of this resolution for the designation of the “Village Update” as the “official newspaper” of the Village of Minerva Park.

Section 3. All prior resolution(s) or any part thereof, which is (are) inconsistent with this resolution, is (are) hereby repealed as to the inconsistent part(s) thereof, and the remainder of said resolution(s) not inconsistent with this resolution shall remain in full force and effect.

Section 4. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such necessity arising from the need to provide notice to its residents in the most cost-effective manner possible; WHEREFORE, this Resolution shall take effect and be in force upon its passage.

**RESOLUTION 2017-34**  
**(Continued)**

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Lynn Eisentrout, Mayor

First Reading: October 9, 2017  
Second Reading: October 23, 2017  
Third Reading: Waived  
Passed: October 23, 2017

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

## **Ordinance 12-2017**

### **AN ORDINANCE TO AMEND SECTION 665, OF THE CODIFIED ORDINANCES REGARDING WEEDS AND GRASS**

**WHEREAS**, the codified ordinances of Minerva Park includes a section specifying the rules and regulations governing weeds and grass (Chapter 665, Weeds and Grass); and

**WHEREAS**, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

**WHEREAS**, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding dish antennas;

**NOW, THEREFORE, be it ordained by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:**

**Section 1.** Section 665 is hereby amended to read as follows:

#### **665.01 CUTTING OF WEEDS AND GRASS REQUIRED.**

The owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality shall maintain the premises and exterior property free from weeds or plant growth including grass in excess of six (6) inches. All noxious weeds are prohibited.

(1) Noxious weeds defined. Wild mustard; musk thistle (nodding thistle); oxeye daisy; Canada thistle; poison hemlock; wild carrot; purple loosestrife; wild parsnip; mile-a-minute weed; Russian thistle; cressleaf groundsel; shattercane; Johnsongrass; hogweed; chicory; thistle; plantain; dandelion; trumpet vine; amur honeysuckle; lambs quarters; grapevines (abandoned); poison ivy; poison oak; poison sumac; any and all additional noxious weeds on the Ohio noxious weed list maintained by the US Department of Agriculture Natural Resource Conservation Service.

(2) Plant growth defined. All grasses, annual plants, and vegetation, other than trees or shrubs. This term does not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.

#### **665.02 TRIMMING OF TREES AND SHRUBS REQUIRED.**

The owner, lessee, agent, tenant or other such person having charge or care of any lot or parcel of land fronting on any street, alley, avenue or public grounds in the Municipality, in which shade trees are planted and growing, shall trim or cause to be trimmed, all shade trees or shrubbery in front of the respective lots or lands when so ordered or directed by the Village Administrator. All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and twelve feet above the surface of the street or roadway. The branches of all trees in front and along lots or lands near which public lamps are placed shall be trimmed so as not to obstruct the free passage of light from the lamps to the street and sidewalks.

#### **665.03 REMOVAL OF DANGEROUS TREES.**

The Village Administrator is hereby authorized to remove trees within the limits of the Municipal streets that have been determined to be dangerous to the public.

#### **665.04 PLANTING OF TREES AND SHRUBS REGULATED.**

No owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality shall plant or cause to be planted any tree, bush or shrub in or upon any street, alley, right of way or any other land owned by the Municipality.

## Ordinance 12-2017

(continued)

### **665.05 NOTICE TO CUT, TRIM OR REMOVE.**

(a) When determined through inspection by the Village Mayor/Administrator or his/her designee, that weeds, grass or other undesirable vegetation exceeding the height specified in Section [665.01](#) or that trees or shrubs exceeding the clear height specified in Section [665.02](#) or that the accumulation of dead, fallen or cut tree branches, limbs or trimmings as specified in Section [665.09](#) exist upon any land within the corporate limits of the Municipality, the Village Administrator shall cause notice to be served to the owner, lessee, agent, tenant or other such person having charge or care of such land to abate the violation. Such notice shall include the following:

(1) An order to cut or destroy the weeds, grass or vegetation or trim such trees or shrubs or remove such fallen limbs, branches or trimmings within two days of being noticed to do so.

(2) A statement that the Village of Minerva Park or designated contractor will complete the work requested after the second day, the cost of which shall be a lien on the real property where the violation was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to remedy the violation as required by such notice shall be deemed an implied consent for the Village to abate or remove such violation. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the Village.

(b) Written notice shall be served by any of the following methods:

(1) Handing the notice to some person of suitable age and discretion residing or employed therein;

(2) Delivering notice by the United States First Class mail to any of the owners, lessees, tenants or other persons or entities having charge or care of land and posting the notice by affixing it to the front of the building in clear view from the street or affixing it to a free-standing post or stake in clear view from the street, service being effective upon posting;

(c) Publishing the notice once in a local newspaper of general circulation.

### **665.06 FAILURE TO COMPLY; REMEDY OF MUNICIPALITY.**

(a) In the event the owner, lessee, agent, tenant or other such person having charge or care of any land, parcel or lot within the Municipality does not comply with the order to cut or destroy the weeds, grass or undesirable vegetation or trim the trees or shrubs within the time limit specified in Section [665.05](#) after a proper notice to abate the violation has been issued by the Village Mayor/Administrator, the Village Mayor/Administrator shall cause such undesirable vegetation to be cut and destroyed or trees or shrubs to be trimmed, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. This remedy is in addition to the penalty provided in Section [665.99](#). The Village of Minerva Park shall not be responsible for damage done to the premises under the authorization provided in herein.

(b) If the owner, lessee, agent, tenant or other such person having charge of such lots or land fails or refuses to cut or destroy the weeds, grass or undesirable vegetation or trim the trees or shrubs and it becomes necessary for the Village of Minerva Park to abate the violation more than one time during any calendar year, the Village Mayor/Administrator may abate subsequent violations without the necessity of further notice.

### **665.07 FEES CHARGED BY MUNICIPALITY.**

(a) Upon completion of abatement of the violation, the Village Mayor/Administrator shall invoice the owner for all such work performed at a liquidated cost of \$125 per on-site man-hour including all equipment, equipment maintenance, supplies, and overhead costs, with a minimum charge of \$300. If a contractor performs the work, the Village Mayor/Administrator will invoice the owner for the costs of such cutting and removal shall be immediately due and payable to the Municipality provided, however, that the administrative fee shall not exceed \$500.00. The cost and administrative fee shall be assessed against the lot or land.

(b) Notice of such assessment shall be given to the owner of the lot of land charged therewith, and the

## **Ordinance 12-2017 (continued)**

occupant by mailing such notice to the address utilized by the County Treasurer for tax billing purposes and by posting a Notice of Assessment at the subject premises. All assessments not paid within ten days after such mailing and posting, after approval by the Village Mayor/Administrator, shall be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

### **665.08 PAYMENT OF FEES.**

The owner shall pay such fees as are charged in accordance with Section [605.07](#) to the Finance Director within thirty days after receipt of such statement of costs to avoid further cost or penalty. If the fee is not paid when due, the Finance Director shall certify to the County Auditor the proceedings taken under this chapter, together with a statement of the charges for such services as listed in Section [605.07](#) and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry and shall be collected as other taxes and returned to the General Fund as provided by Ohio R.C. 731.54.

### **665.09 REMOVAL OF FALLEN BRANCHES, LIMBS, ETC.**

No owner, agent, lessee, tenant or other having charge of property within the Municipality, shall cause, or allow to cause, the accumulation of dead, fallen or cut tree branches, limbs or trimmings on such lands as to constitute a public nuisance or hazard or which may be considered dangerous to the public as determined through inspection by the Village Administrator or his/her designee.

### **665.10 CUTTING OF WEEDS AND GRASSES IN ADJACENT RIGHTS-OF-WAY.**

(a) No person owning, having charge of or being in possession of land within the Village shall fail to keep the adjacent right-of-way between his/her property and the curb, or edge of street or alley where there is no curb, free from all weeds.

(1) Noxious Weeds Defined. Wild mustard; musk thistle (nodding thistle); oxeye daisy; Canada thistle; poison hemlock; wild carrot; purple loosestrife; wild parsnip; mile-a-minute weed; Russian thistle; cressleaf groundsel; shattercane; Johnsongrass; hogweed; chicory; thistle; plantain; dandelion; trumpet vine; amur honeysuckle; lambs quarters; grapevines (abandoned); poison ivy; poison oak; poison sumac.

(2) Weeds Defined. All grasses, annual plants, and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.

(b) No person owning, having charge of or being in possession of land within this Village shall fail to keep the adjacent right-of-way between such property and the curb, or edge of the street or alley where there is no curb, by allowing grass and weeds to grow to a height in excess of 6" or to mature their seeds thereon pursuant to Section [665.01](#) of the Codified Ordinances.

(c) The Village Administrator or his/her designee is hereby granted authority to notify the property owner in writing who is in violation of subsection (a) or (b) of this section to cut such weeds or grass and if such weeds or grass have not been cut within seven (7) calendar days of the date of mailing such notice the Village Administrator or his/her designee may cause the weeds to be removed. The cost of such maintenance shall be reported to Council and upon Council's approval shall be returned to the Finance Director who will forward the charges to the Franklin County Auditor for inclusion upon the tax duplicate for collection, all in accordance with Ohio R.C. 731.51 et seq.

(d) Whoever violates this section is guilty of a minor misdemeanor. Each calendar day that a violation of this section is repeated or continued shall constitute a separate offense.

### **665.11 GRASS CLIPPINGS ON PUBLIC SIDEWALKS AND PUBLIC STREETS.**

(a) No grass clippings or foliage shall be deposited onto public sidewalks or public streets. Grass clippings or foliage are to be removed from the public street and/or public sidewalk immediately

**Ordinance 12-2017**  
**(continued)**

following mowing or trimming.

(b) Grass clippings or foliage shall not be dumped or washed into municipal storm drains or into the municipal storm sewer system.

(c) The property owner shall be responsible for ensuring all tenants, vendors, or third parties comply with this Section.

**665.99 PENALTY.**

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense. If the violator has been previously convicted of or pleaded guilty to a violation of this Chapter, the violator shall be guilty of a fourth degree misdemeanor upon conviction. Sentencing shall be in accordance with Section **698** of the Codified Ordinances. A separate offense shall be deemed committed each day on which a violation occurs or continues.

(b) Organizations shall be held criminally liable pursuant to Section **606**.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

**Section 4.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First Reading: May 22, 2017  
Second Reading: October 9, 2017  
Third Reading: October 23, 2017  
Passed: October 23, 2017

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Lynn Eisentrout, Mayor

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

# ORDINANCE 25-2017

## AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2017

**WHEREAS**, it is necessary to supplement the appropriations in Ordinance 24-2016 for the year ending December 31, 2017; and

**WHEREAS**, the appropriations herein are to be effective for the year ending December 31, 2017.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:**

**Section 1.** The Annual Appropriations in Ordinance 24-2016 are supplemented as follows:

<u>Fund/Account No.</u>	<u>Account Name</u>	<u>Current Amount</u>	<u>Increase</u>	<u>Revised Amount</u>
<b><u>General Fund</u></b>				
<b><u>Other Community Environment</u></b>				
1000-490-600	Contractual Services	\$31,000	\$6,000	\$37,000
1000-740-300	Contractual Services	\$13,500	\$5,000	\$18,500

**Section 2.** The Fiscal Officer shall certify these additional appropriations to the Franklin County Budget Commission.

**Section 3.** This Ordinance shall be in full force and effect upon its passage.

\_\_\_\_\_  
Lynn Eisentrout, Mayor

First Reading: September 25, 2017  
Second Reading: October 9, 2017  
Third Reading: October 23, 2017  
Passed: October 23, 2017

**ATTEST**

**APPROVED AS TO FORM**

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Kimberly Pulley, Fiscal Officer

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Solicitor

# ORDINANCE 26-2017

## AN ORDINANCE AMENDING THE WAGE AND SALARY RANGES, AND THE NUMBER OF EMPLOYEES AND POSITIONS FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY

**WHEREAS**, pursuant to Section 731.10, Revised Code, the legislative authority may provide such employees for the village as it determines are needed; and,

**WHEREAS**, pursuant to Section 731.13, Revised Code, the legislative authority of a village shall fix the compensation of all officers, clerks, and employees of the village except as otherwise provided by law; and,

**WHEREAS**, the Village Council has established various positions and salary ranges in Ordinance 23-2016; and,

**WHEREAS**, the Council of the Village of Minerva Park desires to amend the positions and number of employees adding an additional police officer position.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:**

**Section 1.** Ordinance 23-2016, Section 1, relating to the number of employees of the Police Department shall be amended as follows:

Positions/Job Title	Authorized Number	Full-Time/ Part-time/ Seasonal	Hourly Rates		Annual Compensation	
			From	To	From	To
<u>Police Department</u>						
Patrol Officer	6	Full-Time	23.00	27.80	47,840	57,824
Police Officer	3	Part-Time	17.50	22.00	26,250	33,000

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**ORDINANCE 26-2017**  
**(Continued)**

**Section 3.** Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the immediate need to employ an additional police officer. Wherefore, this Ordinance shall take effect and shall be in force immediately upon passage by Council.

\_\_\_\_\_  
Lynn Eisentrout, Mayor

First Reading:      October 9, 2017  
Second Reading    October 23, 2017  
Third Reading     November 13, 2017  
Passed:            November 13, 2017

**ATTEST**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Kimberly Pulley, Fiscal Officer

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Solicitor

## ORDINANCE 27-2017

### AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ACCEPT AND EXECUTE THE PLAT FOR THE MINERVA PARK SUBDIVISION PHASES III AND IV AND DECLARING AN EMERGENCY

**WHEREAS**, pursuant to Section 1216.06 of the Codified Ordinances of the Village of Minerva Park the Village Council shall be presented final plats for final approval of subdivisions; and,

**WHEREAS**, a final plat for Minerva Park Phases III and IV has been presented to the Village; and,

**WHEREAS**, Planning and Zoning Commission recommends approval of the final plat for Minerva Park Phases III and IV.

**NOW THEREFORE BE IT ORDAINED BY THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, STATE OF OHIO AS FOLLOWS:**

**Section 1:** That the Mayor and Clerk be and hereby be authorized to execute and accept the final plat of Minerva Park Phases III and IV, subject to and conditioned upon the following:

- That the executed final plat shall not be released for recording until the public infrastructure improvements have been inspected and approved by authorized representatives of the City.

**Section 2:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinances were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 3.** Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the immediate need for approval so that construction can proceed. Wherefore, this Ordinance shall take effect and shall be in force immediately upon passage by Council

\_\_\_\_\_  
Lynn Eisentrout, Mayor

First Reading:      October 9, 2017  
Second Reading:    October 23, 2017  
Third Reading:      Waived  
Passed:              October 23, 2017

**ATTEST**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Kimberly Pulley, Fiscal Officer

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Solicitor