

Village of Minerva Park
Council Meeting: February 27, 2017
AGENDA

Pledge of Allegiance

Roll Call

Invocation Council President Pauken

Green Cards Council President Pauken

Village Planning Director's Report

Legislation

Resolution 2017-03 – Minerva Park Fee Schedule
2nd Reading

Resolution 2017-06 – Contract with Pontia Architecture
1st Reading

Resolution 2017-07 – Request Estimate
1st Reading

Resolution 2017-08 – 5.0 Mill Replacement
1st Reading

Resolution 2017-09 – 5.0 Mill Ballot
1st Reading

Resolution 2017-10 – Additional Engineering Services
1st Reading – Intent is to waive 3 readings and pass as an emergency

Ordinance 03-2017 – Accessory Structures
2nd Reading

Ordinance 04-2017 – Dumpster Screening
2nd Reading

Ordinance 05-2017 – Fences
2nd Reading

Ordinance 06-2017 – Trash Collection
2nd Reading

Ordinance 07-2017 – Supplemental Appropriations

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New Business

Old Business

Citizens' Comments

Adjourn

Resolution 2017-03

A RESOLUTION TO AMEND AND REVISE THE MINERVA PARK FEE SCHEDULE, AND TO DECLARE AN EMERGENCY

WHEREAS, the Village of Minerva Park ("Village") consolidated its fees into a comprehensive fee schedule ("Minerva Park Fee Schedule") pursuant to Resolution 2014-22; and

WHEREAS, the Village now wishes to amend and revise the Minerva Park Fee Schedule;

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

- Section 1.** The Minerva Park Fee Schedule is hereby amended and revised as reflected in Exhibit A attached hereto and made a part hereof.
- 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Section 3.** All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.
- Section 4.** 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 revise the fee schedule to allow for new development fees and to ensure the Village's fee structure reflects current practice. WHEREFORE, this Resolution shall take effect and shall be in force immediately upon passage by Council.

Lynn Eisentrout, Mayor

First Reading: February 13, 2017
Second Reading: February 27, 2017
Third Reading: March 13, 2017
Passed: March 13, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2017-06

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A CONTRACT WITH PONTIA ARCHITECTURE TO PROVIDE CONCEPTUAL SPACE PLANNING SERVICES AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Minerva Park (“Village”) needs to secure the services of an architectural firm to assess the existing configuration and tenant needs and develop a conceptual plan for the office building at 2999 E. Dublin Granville Road; and

WHEREAS, the Village deems it necessary to utilize the services of Pontia Architecture to provide conceptual space planning;

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

Section 1. The Mayor and the Fiscal Officer are authorized to enter into a contract with Pontia Architecture to develop a conceptual space plan for the office building located at 2999 Dublin Granville Road.

Section 2. The cost of the services of Pontia Architecture shall not exceed \$8,240.

Section 3. 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 4. That this resolution is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare and specifically for the need have to a conceptual plan in place to assess the renovation needs of the aforementioned office building during the due diligence period; WHEREFORE, this resolution shall take effect and be in force from and after its passage.

Lynn Eisentrout, Mayor

First Reading: February 27, 2017
Second Reading: March 13, 2017
Third Reading: March 27, 2017
Passed: March 27, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2017-07

A RESOLUTION AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF MINERVA PARK TO REQUEST A CERTIFICATION AND ESTIMATE OF REVENUE FROM THE FRANKLIN COUNTY AUDITOR'S OFFICE FOR A FIVE POINT ZERO (5.0) MILL 5-YEAR RENEWAL TAX LEVY AND TO DECLARE AN EMERGENCY

WHEREAS, the amount of taxes that may be raised within the 10-mill limitation by levies on the current tax duplicate will be insufficient to provide adequate amounts for the necessary requirements of the Village of Minerva Park for current expenses of the General Fund; and,

WHEREAS, such expenses are currently paid for by a 5.0 mill levy for a period of five (5) years that was previously enacted by the Village electors on November 6, 2012, which Council seeks to renew the 5.0 mill levy for a period of five (5) years.

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

- Section 1.** The Fiscal Officer of the Village of Minerva Park is hereby authorized and directed pursuant to ORC 5705.03(B), to certify a copy of this resolution to the County Auditor of Franklin County and the Board of Elections. The Village Council hereby requests that the County Auditor certify to the Village Council the total current tax valuation of the Village and the dollar amount of revenue that would be generated by a 5.0 mill renewal levy for a period of five (5) years, or fifty cents (\$0.50) for each one hundred dollars (\$100) of valuation, to be placed on the ballot at the election on August 8, 2017.
- Section 2.** Pursuant to Chapter 5705 of the Ohio Revised Code, this proposed levy is for the purpose of providing for the current expenses of the Village of Minerva Park for a 5-year period.
- Section 3.** 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 4.** The Village Council hereby declares this to be an emergency measure necessary for the public peace, health, safety, and welfare of the residents of the Village of Minerva Park and arises out of the need for the Fiscal Officer to receive the estimate of revenue in order to have the legislation to the proper government agencies so that it appears on the August 8, 2017 special election ballot. Wherefore, this resolution shall take effect and shall be in force from and after its passage and pursuant to Chapter 5705 of the Revised Code.

Lynn Eisentrout, Mayor

First Reading: February 27, 2017
Second Reading: March 13, 2017
Third Reading: March 27, 2017
Passed: March 27, 2017

**RESOLUTION 2017-07
(continued)**

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2017-08

A RESOLUTION PURSUANT TO §5705.19(A), OHIO REVISED CODE, DECLARING THE NECESSITY FOR AND SUBMITTING THE QUESTION OF A RENEWAL TAX LEVY FOR PURPOSES OF PROVIDING FOR THE CURRENT EXPENSES OF THE GENERAL FUND OF THE VILLAGE OF MINERVA PARK

WHEREAS, the amount of taxes that may be raised within the 10-mill limitation by levies on the current tax duplicate will be insufficient to provide adequate amounts for the necessary requirements of the Village of Minerva Park and it is necessary to renew an existing tax levy for the purpose hereinafter set forth; and

WHEREAS, the Village of Minerva Park voters approved a five (5.0) mill tax levy on November 6, 2012, for a period of five (5) years for the purposes contained in Ohio Revised Code Section 5705.19(A) and the Council of the Village of Minerva Park believes it is in the best interests of the Village of Minerva Park residents to renew the November 6, 2012, 5.0 mill tax levy on August 8, 2017; and

WHEREAS, the Franklin County Auditor has certified to the Council for the Village of Minerva Park that the tax revenue that would be generated by a 5.0 mill renewal tax levy is ~~XXXX,XXX~~ based on the assessed valuation of the Village of Minerva Park of ~~XX,XXX,XXX~~.

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

- Section 1.** It is necessary to levy a renewal tax levy in excess of the 10-mill limitation for the benefit of the Village of Minerva Park for the purpose of providing for the current expenses of the Village of Minerva Park, at a rate not exceeding 5.0 mills for each one dollar of valuation, which amounts to fifty cents (\$.50) for each one hundred dollars (\$100) of valuation, for a period of time of five (5) years, such levy being a renewal of an existing 5.0 mill levy, which is currently in effect.
- Section 2.** The question of approving a renewal levy be submitted to the electors of said Village of Minerva Park at the election to be held at the usual voting places for said Village of Minerva Park on August 8, 2017.
- Section 3.** Said renewal levy be extended on the tax list and duplicate of the Village of Minerva Park for the current year if the majority of electors voting thereon vote in favor of the levy.
- Section 4.** The Fiscal officer of the Village of Minerva Park be and is hereby directed to certify a copy of this Resolution to the Board of Elections of Franklin County, Ohio, as provided by law, and to notify the Board of elections to cause notice of election on the question of approving the renewal levy to be given as required by law.
- Section 5.** 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 6.** This resolution shall take effect and be in full force from the earliest period allowed by law.

RESOLUTION 2017-08
(continued)

Lynn Eisentrout, Mayor

First Reading: February 27, 2017
Second Reading: March 13, 2017
Third Reading: March 27, 2017
Passed: March 27, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2017-09

A RESOLUTION TO PROCEED WITH PLACING THE ISSUE ON THE BALLOT FOR A RENEWAL TAX LEVY FOR PURPOSES OF PROVIDING FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK

WHEREAS, the amount of taxes that may be raised within the 10-mill limitation by levies on the current tax duplicate will be insufficient to provide adequate amounts for the necessary requirements of the Village of Minerva Park for general expenses of the General Fund; and,

WHEREAS, such services are currently paid for by a five (5.0) mill levy that was previously enacted by the Village electors, which Council seeks to renew with another 5.0 mill levy based on current property valuations; and,

WHEREAS, pursuant to Resolution 2017-07, the Village has requested from the Franklin County Auditor a Certificate of Estimated Property Tax Revenue indicating how much revenue will be provide by the 5.0 mill renewal levy.

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

Section 1. The Village hereby desires to proceed with placing the issue on the ballot for the renewal of the existing 5.0 mill levy for a period of five (5) years, with a 5.0 mill renewal levy with no increase commencing January 1, 2018, and continuing there from for a period of five (5) years.

Section 2. The proposed language on the ballot shall read as follows or in a manner similar to the following:

* * * * *

PROPOSED RENEWAL TAX LEVY VILLAGE OF MINERVA PARK - CURRENT EXPENSES OF THE VILLAGE

A Majority Affirmative Vote is Necessary for Passage.

A renewal of five (5.0) mills of an existing levy to constitute a tax for the benefit of the Village of Minerva Park for the purpose of PROVIDING FOR THE CURRENT EXPENSES OF THE VILLAGE, GENERAL FUND at a rate not exceeding five (5.0) mills for each one dollar valuation, which amounts to fifty cents (\$0.50) for each one hundred dollars (\$100) of valuation, for five (5) years commencing January 1, 2017 and first due in calendar year 2018.

FOR THE LEVY
AGAINST THE LEVY

* * * * *

Section 3. The question of approving the renewal levy as set forth above be submitted to the electors of said Village of Minerva Park at the election to be held at the usual voting places for said Village of Minerva Park on August 8, 2017.

Section 4. Said levy shall be extended on the tax list of the Village of Minerva Park for the current year if the majority of the electors voting thereon vote in favor thereon.

RESOLUTION 2017-09
(continued)

Section 5. The Village Fiscal Officer be and is hereby directed to certify a copy of this resolution to the Board of Elections of Franklin County, Ohio, as provided by law, and to notify the Board of Elections to cause notice of the election on the questions of approving the Renewal levy to be given as required by law.

Section 6. 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 7. This resolution shall take effect and be in full force from the earliest period allowed by law.

Lynn Eisentrout, Mayor

First Reading: February 27, 2017
Second Reading: March 13, 2017
Third Reading: March 27, 2017
Passed: March 27, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

RESOLUTION 2017-10

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF CONTRACTS WITH CH2M HILL FOR THE ADDITIONAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY

WHEREAS, the Village of Minerva Park (“Village”) has contracted with CH2M Hill to serve as the Village Engineer; and,

WHEREAS, the Council deems it necessary to utilize the services of CH2M Hill for additional engineering projects and related activities for the construction, maintenance, repair of roads, bridges, streets, storms and sanitary sewers, waterlines, and other activities that require a person with engineering qualifications; and,

WHEREAS, the Council approved additional appropriations for engineering services related to the construction of Farview road and the development of the former Minerva Lake Golf Course, which expenditures are provided for by development deposits from M/I Homes of Central Ohio, LLC.

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

- Section 1.** The Mayor and the Fiscal Officer of the Village are authorized to enter into a contract addendum with CH2M HILL for the 2012 Findings and Orders Engineering Services, which such addendum shall not exceed \$15,000 for a total contract of \$135,000. The Fiscal Officer is authorized to pay the costs of this addendum.
- Section 2.** The Mayor and the Fiscal Officer of the Village are authorized to enter into a contract addendum with CH2M HILL for the 2015-2016 Development Review Services, which addendum shall not exceed \$30,000 for a total contract of \$87,000. The Fiscal Officer is authorized to pay the costs of this addendum.
- Section 3.** The Mayor and the Fiscal Officer of the Village are authorized to enter into a contract addendum for engineering services with CH2M HILL for services as the Village Engineer, which such addendum shall not exceed \$1,000 for a total of \$26,000 for 2016. The Fiscal Officer is authorized to pay the costs of this addendum.
- Section 4.** 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.

RESOLUTION 2017-10
(Continued)

Section 5. 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 to complete the hydraulic study so that pending concurrent project remain on schedule. Wherefore, this Resolution shall take effect and shall be in force immediately upon passage by Council.

Lynn Eisentrout, Mayor

First Reading: February 27, 2017
Second Reading: Waived
Third Reading: Waived
Passed: February 27, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

Ordinance 03-2017

AN ORDINANCE TO AMEND SECTION 1272.05, OF THE CODIFIED ORDINANCES REGARDING ACCESSORY STRUCTURES

WHEREAS, the Council enacted Ordinance 5-2002 specifying the rules and regulations governing accessory structures which became Chapter 1272.05, Accessory Uses and Structures, in the codified ordinances of the Village of Minerva Park.; 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 accessory structures;

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

Section 1. Section 1272.05 is hereby amended to read as follows:

1272.05 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures shall be permitted in association with a principal use or structure.

- (a) Accessory Use and Structure Defined. As used in this section, "accessory use and structure" means a subordinate use or structure which is incidental to and in association with a principal use or structure.

Accessory structures used as storage sheds must be over six square feet and allow a person to walk inside, however, they may not be used to store automobiles or contain living quarters.

- (b) Location in Residential Zoning Districts. In a Residential Zoning District, as listed in Section 1238.04, unattached accessory structures shall be located to the rear of the dwelling, four feet or more from the side and rear property lines and no closer than four feet to any other structure.
- (c) Location in Other Zoning Districts. In any zoning district other than a Residential Zoning District, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the development standards of the zoning district in which it is located.
- (d) Size, Height, and Configuration. The sum total of all accessory structures shall not greater than twenty-five percent of the gross floor area of the principal use structure as listed on the county auditor's website or cover more than 10 percent of the rear yard area of the residence. Maximum size shall be 200 square feet as measured on the outside of the accessory structure walls. Maximum height shall be 12 feet as measured from the natural ground to the highest point. Where an accessory structure is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface. No door openings shall be closer than 15 feet to a lot line. Accessory structures used for storage constructed of fabric or plastic tarp-like materials such as temporary garages or canopies are not allowed in any zoned property within the Village. All enclosed accessory structures must have an architectural floor built of wood, metal or concrete.
- (e) Permitting, Inspection and Acceptance. No accessory structures may be installed or constructed without first obtaining a permit configured and issued by the Planning & Zoning Commission. All permits expire six months after issuance and are not transferable between owners. Permit fees are determined by the Village Council fee structure.

Ordinance 03-2017
(continued)

If accessory structure construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit. The Code Enforcement Officer or other designee of the Mayor shall inspect the installation of an accessory structure twice: first, upon approving the proposed location indicated by staked-out corners of the accessory structure and second, at the final completion of the accessory structure.

- (f) Repair to accessory structures. Repairs must be equal to or better than the original construction in materials and workmanship as determined by the Code Enforcement Officer or other designee of the Mayor.
- (g) Variances. Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (h) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

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 its passage.

Lynn Eisentrout, Mayor

First Reading: February 13 2017
Second Reading: February 27, 2017
Third Reading: March 13, 2017
Passed: March 13, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

Ordinance 04-2017

AN ORDINANCE TO AMEND SECTION 1278.04, OF THE CODIFIED ORDINANCES REGARDING LANDSCAPING FOR SERVICE STRUCTURES

WHEREAS, the Council enacted Ordinance **5-89** specifying the rules and regulations governing landscaping for service structures which became **Chapter 1278.04, Minimum Landscape Requirements**, in the codified ordinances of the Village of Minerva Park.; 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 dumpster screening;

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

Section 1. Section 1278.04 is hereby amended to read as follows:

(d) Dumpsters (Service Structures) Screening All dumpsters shall be screened on all sides including the gate wherever it is located. Dumpsters may be grouped together. However, screening height requirements shall be based upon the tallest of the dumpsters.

(1) Location of screening. A continuous (having 100 percent opacity) planting, hedge, or fence, which would enclose any dumpster that must be frequently moved, shall be one foot higher than the height of the enclosed dumpster, but shall not be required to exceed ten feet in height. Whenever a dumpster is located next to a building wall, a perimeter landscaping material, or a vehicular use area landscaping material, such wall or screening material may fulfill the screening requirements for that side of the dumpster if such wall or screening material is of an average height sufficient to meet the height requirement set forth in this section. Whenever dumpsters are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping.

(2) Curbs to protect screening material. Whenever screening material is placed around a dumpster which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the dumpster is moved or emptied.

(3) Permitting, Inspection and Acceptance. No dumpster screening may be installed or constructed without first obtaining a permit configured and issued by the Planning & Zoning Commission. Applications will be considered at the regularly scheduled monthly Planning & Zoning Commission Meeting. Applications must be considered complete by the Code Enforcement Officer or Zoning Clerk one week before the Planning & Zoning Commission meeting at which they are to be considered.

Permit fees are determined by the Village Council fee structure.

All permits expire six months after issuance and are not transferable between owners.

Use of service structures and dumpsters shall require the following:

(1) The gate must remain closed when not being loaded or unloaded.

Ordinance 04-2017
(continued)

(2) No trash may be placed beside or on top of the dumpster.

(3) Dumpster enclosures may be locked or unlocked; however, all measures shall be taken to prevent unauthorized dumping or placing of trash near or against dumpster screening.

Dumpster screening installation shall be inspected by the Code Enforcement Officer or other designee of the Mayor twice: first, when the post holes have been dug or other screening material location has been laid out and second, at the completion of the screening construction. Only after the Code Enforcement officer or other designee of the Mayor has approved the completed dumpster screening will the Planning & Zoning Commission accept the screening as a permanent improvement on any lot, part of a lot or combination of lots.

(4) Repair. Repair to dumpster screening that requires the replacement of posts or greater than 50% of the screening material requires an accessory structure permit at one half the cost of a new dumpster screening permit.

(e) Variances. Variances to the fence ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in chapter.1232.01.

(f) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

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 its passage.

Lynn Eisentrout, Mayor

First Reading: February 13, 2017
Second Reading: February 27, 2017
Third Reading: March 13, 2017
Passed: March 13, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

Ordinance 05-2017

AN ORDINANCE TO AMEND SECTION 1464.01, OF THE CODIFIED ORDINANCES REGARDING LOCATION AND HEIGHT OF FENCES AND WALLS

WHEREAS, the Council enacted Ordinance 03-1993 specifying the rules and regulations governing fences and walls which became Chapter 1464, Fences and Walls, in the codified ordinances of the Village of Minerva Park.; 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 as to measuring the height of fences;

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

Section 1. Section 1464.01 is hereby amended to read as follows:

Fence Construction and Location

- (a) No fence or wall shall be erected forward of a line 14 feet back from the immediately adjacent front building line of a dwelling or structure on any lot.
- (b) No fence or free-standing wall shall exceed seventy-two (72) inches in height, measured from the natural ground, including lattice panels. Where a fence or wall is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface.
- (c) Decorative post caps, finials, or ornamental features shall not exceed 12 inches above the top of fence panels, pickets, or walls nor be more than six (6) inches in width spaced closer than four feet on center.
- (d) Supporting posts of any fence type shall be on the side that faces the installer's dwelling.
- (e) Free-standing walls constructed of brick, concrete block, or stone must be constructed on a foundation starting 36 inches below grade and designed by a structural engineer or architect. All portions of the footing must be within the lot line.
- (f) Fences and walls may be constructed of the following materials:
 - 1. Fences: wood or wood composite or similar materials; PVC or vinyl or similar materials; aluminum, chain link or wire, or a combination of these materials.
 - 2. Walls: stone, brick, poured concrete, or block
- (g) Chain-link type fences shall not exceed forty-eight (48) inches in height and must be vinyl coated dark green, dark brown, or black.
- (h) Welded wire fencing painted black, dark green, or dark brown may be attached to the inside of a fence.
- (i) Only one style of wall or fence may be permitted per property line.
- (j) The maximum ground clearance from the natural ground to the bottom of the panel, picket or wall shall not exceed three (3) inches.
- (k) Lighting features or lighting built into a fence shall not extend above the height of the fence panel.
- (l) Artificially raising the height of the base upon which the fence is constructed by use of mounding, retaining walls or similar means shall be included within the seventy-two (72) inch maximum height restriction of fences and walls.
- (m) Sharp edges and electrically charged fence materials are not permitted.

Ordinance 05-2017
(continued)

Permitting, Inspecting, and Acceptance

- (a) No fence may be installed or constructed without first obtaining a permit configured and issued by the Planning & Zoning Commission. Applications will be considered at the regularly scheduled monthly Planning & Zoning Commission Meeting. Applications must be considered complete by the Code Enforcement Officer one week before the planning & Zoning Commission meeting at which they are to be considered.
- (b) Applicants shall determine property lines prior to constructing a fence and shall ensure the fence does not encroach upon another lot or parcel of land.
- (c) All permits expire six months after issuance and are not transferable between owners.
- (d) Permits fees are determined by the Village Council fee structure.
- (e) If fence construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit.
- (f) Fence installation shall be inspected by the Code Enforcement Officer or other designated Village official, twice: First when the post holes have been dug, second at the completion of the fence construction. Only after the Code Enforcement officer has approved the completed fence will the Planning & Zoning Commission accept the fence as a permanent improvement on any lot, part of a lot or combination of lots.
- (g) Repair to fences that require the replacement posts, or greater than 50% of fencing material must obtain a fence permit at one half the cost of a new fence permit.
- (h) Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (i) Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

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 its passage.

Lynn Eisentrout, Mayor

First Reading: February 13, 2017
Second Reading: February 27, 2017
Third Reading: March 13, 2017
Passed: March 13, 2017

**Ordinance 05-2017
(continued)**

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

Ordinance 06-2017

AN ORDINANCE TO AMEND SECTION 1272.04, OF THE CODIFIED ORDINANCES REGARDING WASTE ACCUMULATION

WHEREAS, the Council enacted Ordinance **5-89** specifying the rules and regulations governing waste accumulation which became **Chapter 1272.04, Comprehensive Residential and Neighborhood Improvements**, in the codified ordinances of the Village of Minerva Park.; 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 trash collection;

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

Section 1. Section 1272.04 is hereby amended to read as follows:

(c) Condition of Premises; Waste Accumulation. No person shall:

- (1) Cause or permit waste, garbage, trash or any debris, building materials, unused tires or other material, to accumulate or remain on his or her property, except as noted below. Trash, yard waste, and recycling shall meet the following requirements
 - A. Trash, yard waste, and recycling in containers or bundles that meet the trash hauler's requirements are permitted to be placed on the driveway or yard (not in the street) from noon the day before the scheduled day of trash pick-up to 8:00am the day following trash pickup.
 - B. Trash cans and bundled trash must be stored out of sight from street right of-ways when not set out for collection. Fences or landscaping materials may be used to conceal the cans and/or bundles. Fences and landscaping must be 100% opaque year-round. Fences used to conceal trash cans may be placed no further forward than a line two feet behind the adjacent front facade of the house. The fence may not be higher than 72" above the natural ground and each panel may be no wider than 48".

(f). Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

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.

**Ordinance 06-2017
(continued)**

Section 4. This Ordinance shall take effect and be in force from and after its passage.

Lynn Eisentrout, Mayor

First Reading: February 13, 2017
Second Reading: February 27, 2017
Third Reading: March 13, 2017
Passed: March 13, 2017

ATTEST

APPROVED AS TO FORM

Kimberly Pulley, Fiscal Officer

Solicitor

ORDINANCE 07-2017

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>
<u>General Fund</u>				
<u>Community Environment</u>				
1000-410-300	Contractual Services	51,700	30,000	81,700
 <u>Lands and Buildings</u>				
1000-730-300	Contractual Services	34,000	1,000	35,000

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: February 27, 2017
Second Reading: Waived
Third Reading: Waived
Passed: February 27, 2017

ATTEST

Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

Solicitor